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## 6 Court administration

This chapter covers the performance of court administration for State and Territory supreme, district/county and magistrates' (including children's) courts, electronic infringement and enforcement systems, coroners' courts and probate registries. It also covers the performance of court administration for the Federal Court of Australia, the Family Court of Australia, the Family Court of WA and the Federal Magistrates Court of Australia. This chapter does not include information on the High Court of Australia, and broadly excludes tribunals and specialist jurisdiction courts (for example, Indigenous and circle sentencing courts and drug courts are excluded). The focus of this Report is on the administration of the courts, not the outcomes of legal processes.

A profile of court administration is presented in section 6.1. The framework of performance indicators is outlined in section 6.2 and data are discussed in section 6.3. Future directions for performance reporting are discussed in section 6.4. State and Territory comments are provided in section 6.5, followed by definitions in section 6.6. A list of supporting tables for this chapter is provided in section 6.7. Supporting tables, referenced throughout the chapter, are identified by an 'A' suffix (for example, table 6A.3 is supporting table 3). Supporting tables can be accessed electronically through the Report website <[www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)>, and are available on the CD-ROM provided with the Report. References for the chapter are summarised in section 6.8.

### 6.1 Profile of court administration services

#### Service overview

Court administration agencies throughout Australia provide a range of services integral to the effective performance of the judicial system. The primary functions of court administration agencies are to:

- manage court facilities and staff, including buildings, security and ancillary services such as registries, libraries and transcription services
- provide case management services, including client information, scheduling and case flow management

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- enforce court orders through the sheriff's department or a similar mechanism.

## **Roles and responsibilities**

### *State and Territory court levels*

There is a hierarchy of courts within each State and Territory. The supreme court hears disputes of greater seriousness than those heard in the other courts. It also develops the law and operates as a court of judicial review or appeal. For the majority of states and territories, the hierarchy of courts are as outlined below (although Tasmania, the ACT and NT do not have a district/county court):

- the supreme court
- the district/county court
- the magistrates' court.

Within certain court levels, a number of specialist jurisdiction courts (such as Indigenous and circle sentencing courts and drug courts) aim to improve the responsiveness of courts to the special needs of particular clients. Tribunals can also improve responsiveness and assist in alleviating the workload of courts — for example, small claims tribunals may assist in shifting work away from a magistrates' court. Specialist jurisdiction courts (other than the children's courts, family courts and coroners' courts) and tribunals are outside the scope of this Report and excluded where possible.

Differences in State and Territory court levels, along with the use of specialist jurisdiction courts and tribunals, means that the allocation of cases to courts varies across states and territories (boxes 6.1–6.3). As a result, the seriousness and complexity of cases heard in each State or Territory's equivalent court often vary. Any performance comparison needs to account for these factors.

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## Box 6.1 Magistrates' court jurisdiction across states and territories

**Criminal:** All magistrates' courts deal with criminal matters.

*NSW:* Deals summarily with matters with a maximum penalty of up to two years imprisonment for a single offence, and up to five years imprisonment for multiple offences, including some indictable offences.

*Victoria:* Deals with summary offences and determines some indictable offences summarily.

*Queensland:* Deals with summary offences and determines summarily some indictable matters which have a maximum penalty of up to 3 years imprisonment imposed.

*WA:* Deals with summary offences and determines some indictable offences summarily.

*SA:* Deals with matters with a maximum penalty of up to two years imprisonment, juvenile prosecutions and intervention orders (including breaches).

*Tasmania:* Deals with matters with a maximum penalty of up to two years imprisonment for a single offence and up to five years imprisonment for multiple offences. Also deals with some indictable offences summarily.

*ACT:* Deals with matters with a maximum penalty of up to 14 years imprisonment if the offence relates to money or property, and up to 10 years imprisonment in other cases.

*NT:* Deals with some drug and fraud charges and matters with a maximum penalty of up to 10 years imprisonment (or 10–14 years imprisonment if the accused consents).

### Civil

*NSW:* Deals with small claims up to \$10 000 and general division claims up to \$60 000, as well as family law matters.

*Victoria:* deals with up to \$100 000 for monetary damages, as well as applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.

*Queensland:* Deals with small claims (including residential tenancy disputes) up to \$7500, minor debt claims up to \$7500 and other claims up to \$50 000.

*WA:* Deals with claims for debt recovery and damages (not personal injury) up to \$50 000, minor cases up to \$7500, residential tenancy disputes and restraining orders.

*SA:* Deals with small claims up to \$6000, commercial cases up to \$40 000 and personal injury claims up to \$80 000.

*Tasmania:* Deals with claims up to \$20 000 (or more if both parties consent) for monetary damages and debt recovery, minor civil claims up to \$5000, residential tenancy disputes, restraint orders and family violence orders.

*ACT:* Deals with small claims up to \$10 000, other claims up to \$50 000, residential tenancy disputes over \$10 000 and matters under the *Domestic Relations Act 1994*.

*NT:* deals with claims up to \$100 000 and workers compensation claims.

*Source:* State and Territory court administration authorities and departments.

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## Box 6.2 District/county court jurisdiction across states and territories

The district/county court does not operate in Tasmania, the ACT or the NT.

### **Criminal**

All State district/county courts have jurisdiction over indictable criminal matters (such as rape and armed robbery) except murder and treason, but differences exist across this court level in each State that has a district/county court. The following are examples of the jurisdiction of the criminal district/county courts:

*NSW:* District Court deals with most of the serious criminal cases that come before the courts in NSW. It has responsibility for indictable criminal offences that are normally heard by a judge and jury, but on occasions by a judge alone. It does not deal with treason or murder.

*Victoria:* County Court deals with all indictable offences, except the following (which must be heard in the Supreme Court): murder; attempted murder; child destruction; certain conspiracy charges; treason; and concealing an offence of treason. Examples of criminal offences heard in the County Court include: drug trafficking; serious assaults; serious theft; rape; and obtaining financial advantage by deception.

*Queensland:* District Court deals with more serious criminal offences than heard by the Magistrates' Court — for example, rape, armed robbery and fraud.

*WA:* District Court deals with any indictable offence except those that carry a penalty of life imprisonment.

*SA:* District Court is the principal trial court and has jurisdiction to try a charge of any offence except treason or murder or offences related to those charges. Almost all matters have been referred following a committal process in the Magistrates' Court.

Appeals from magistrates' courts are heard in the district/county courts in NSW, Victoria and Queensland, but not in WA and SA.

### **Civil**

All district/county civil courts hear appeals.

*NSW:* Deals with claims up to \$750 000, and unlimited claims in motor accident cases.

*Victoria:* Deals with damages for non-personal injuries claims up to \$200 000, appeals under the *Crimes (Family Violence) Act 1987*, unlimited claims for compensation resulting from injury or death, adoption matters and change-of-name applications.

*Queensland:* Deals with claims between \$50 000 and \$250 000.

*WA:* Deals with claims up to \$500 000 and unlimited claims for personal injuries.

*SA:* Deals with unlimited claims for general and personal injury matters.

*Source:* State and Territory court administration authorities and departments.

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### Box 6.3 Supreme court jurisdiction across states and territories

#### **Criminal**

All State and Territory supreme courts have jurisdiction over serious criminal matters such as murder, treason and certain serious drug offences, but significant differences exist in this court level across the states and territories:

- given that district/county courts do not operate in Tasmania, the ACT or the NT, the supreme courts in these states and territories generally exercise a jurisdiction equal to that of both the supreme and district/county courts in other States
- the Queensland Supreme Court deals with a significant amount of minor drug matters, which supreme courts in other states and territories do not hear
- in the NSW Supreme Court, almost all indictments are for offences of murder and manslaughter, whereas the range of indictments routinely presented in other states and territories is broader.

All State and Territory supreme courts hear appeals, but the amount and type of appeals vary because only NSW, Victoria and Queensland hear appeals in their district/county court.

#### **Civil**

All supreme courts deal with appeals and probate applications.

*NSW:* Has an unlimited jurisdiction on claims, but usually deals with complex cases, all claims over \$750 000 (except those related to motor vehicle accidents or worker's compensation claims) and various other civil matters.

*Victoria:* Has an unlimited jurisdiction on claims.

*Queensland:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$250 000 and administrative law matters.

*WA:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$500 000.

*SA:* Deals with unlimited claims for general and personal injury matters.

*Tasmania:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$20 000.

*ACT:* Has an unlimited jurisdiction on claims.

*NT:* Has an unlimited jurisdiction on claims, and also deals with mental health, family law and *Coroners Act 1993* applications.

*Source:* State and Territory court administration authorities and departments.

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### *State and Territory court levels — specific elements*

The data in this chapter are reported by each State and Territory court level. In addition, the chapter separates out certain data items from each court level to improve the comparability and understanding of the data presented. In certain instances, the data sets from the following areas are reported separately from their court level:

- probate registries (separate from the supreme court level)
- children's courts (separate from the magistrates' court level)
- electronic infringement and enforcement systems (separate from the magistrates' court level)
- coroners' courts (separate from the magistrates' court level).

The following section outlines the role of these areas and their coverage within each State and Territory.

#### *Probate*

In all states and territories, probate issues are heard in supreme courts and encompass applications for the appointment of an executor or administrator to the estate of a deceased person. The two most common types of application are:

- where the executor nominated by a will applies to have the will proved
- where the deceased died intestate (without a will) and a person entitled to administer the estate applies for letters of administration.

#### *Children's courts*

In all states and territories, the children's court deals with all complaints of offences alleged to have been committed by young people (with the minimum age varying across states and territories). The children's court also hears matters if a child has been seriously abused or neglected; in these instances, the court has jurisdiction to determine matters relating to the child's care and protection. The children's court is a specialist jurisdiction court that, depending on the State or Territory legislation, hears both criminal and civil matters.

#### *Electronic infringement and enforcement systems*

Electronic infringement and enforcement systems operate to process infringements, on-the-spot fines and summary offences. They have the status of courts (despite

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minimal judicial involvement), because they have the capacity to produce enforceable orders against defendants. The orders impose penalties such as fines (which may be enforced by warrants or licence cancellation), asset seizure, garnishment, arrest, community correction orders and incarceration.

Electronic infringement and enforcement systems included in the scope of this data collection operate in Victoria, Queensland, WA and SA. In these states, the electronic infringement and enforcement system comes under the ambit of the magistrates' court, but the workload and expenditure of the electronic infringement and enforcement system have been separately identified to allow for a more comparable interpretation of magistrates' court data. In other states and territories, the magistrates' court may enforce infringements and on-the-spot fines, or State debt recovery offices and/or fines enforcement units may operate outside the auspices of a court.

Data for electronic infringement and enforcement systems are presented in the criminal jurisdiction.

#### *Coroners' courts*

In all states and territories, coroners' courts (which generally operate under the auspices of State and Territory magistrates' courts) inquire into the cause of sudden and unexpected reported deaths. The definition of a reported death differs across states and territories, but generally includes deaths for which the cause is violent, suspicious or unknown. In some states and territories, the coroner has the power to commit for hearing, while in others the coroner is prohibited from making any finding of criminal or civil liability (that is, the matter may be referred to the Director of Public Prosecutions). Suspicious fires are generally in the jurisdiction of the coroners' court (except in WA, SA and the NT, and Queensland from December 2003). The coroners' court is distinct from other courts not only because it has a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), but also because it has other functions, including reporting inadequacies in regulatory systems.

Data for coroners' courts are presented in the civil jurisdiction.

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### *Australian court levels — specific elements*

The following hierarchy of courts exists within the Australian courts jurisdiction:

- the High Court of Australia
- the Federal Court and the Family Court of Australia
- the Federal Magistrates Court.

Data on the High Court are not reported in this chapter. The following sections highlight the relationship between the other three Australian courts.

#### *Federal Court of Australia*

This court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time.

The Court has jurisdiction to hear and determine any civil matter arising under laws made by the Federal Parliament, as well as any matter arising under the Constitution or involving its interpretation. The Court also has original jurisdiction in respect of specific subject matter conferred by over 150 statutes of the Federal Parliament.

The Court has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the Court, decisions of the Federal Magistrates Court in non-family law matters, decisions of the Supreme Court of Norfolk Island and certain decisions of State and Territory supreme courts exercising federal jurisdiction.

The Federal Court does not have a criminal jurisdiction.

#### *Family Court of Australia and Family Court of Western Australia*

The Family Court of Australia has jurisdiction in all states and territories except WA (which has its own Family Court). It has jurisdiction to deal with matrimonial cases and associated responsibilities, including divorce proceedings, financial issues and children's matters such as residence, contact and specific issues orders. It can also deal with ex-nuptial cases involving children's matters. A practice direction was issued by the Family Court of Australia with agreement from the Federal Magistrates Court, that from November 2003 all divorce applications are to be lodged in the Federal Magistrates Court. A small number of divorce applications, however, are still lodged and processed in the Family Court. This practice direction does not affect the Family Court of WA. The Family Court of WA, unlike the

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Federal Family Law courts, has an additional jurisdiction (since 2004) to deal with financial matters between parties that were in a de-facto relationship.

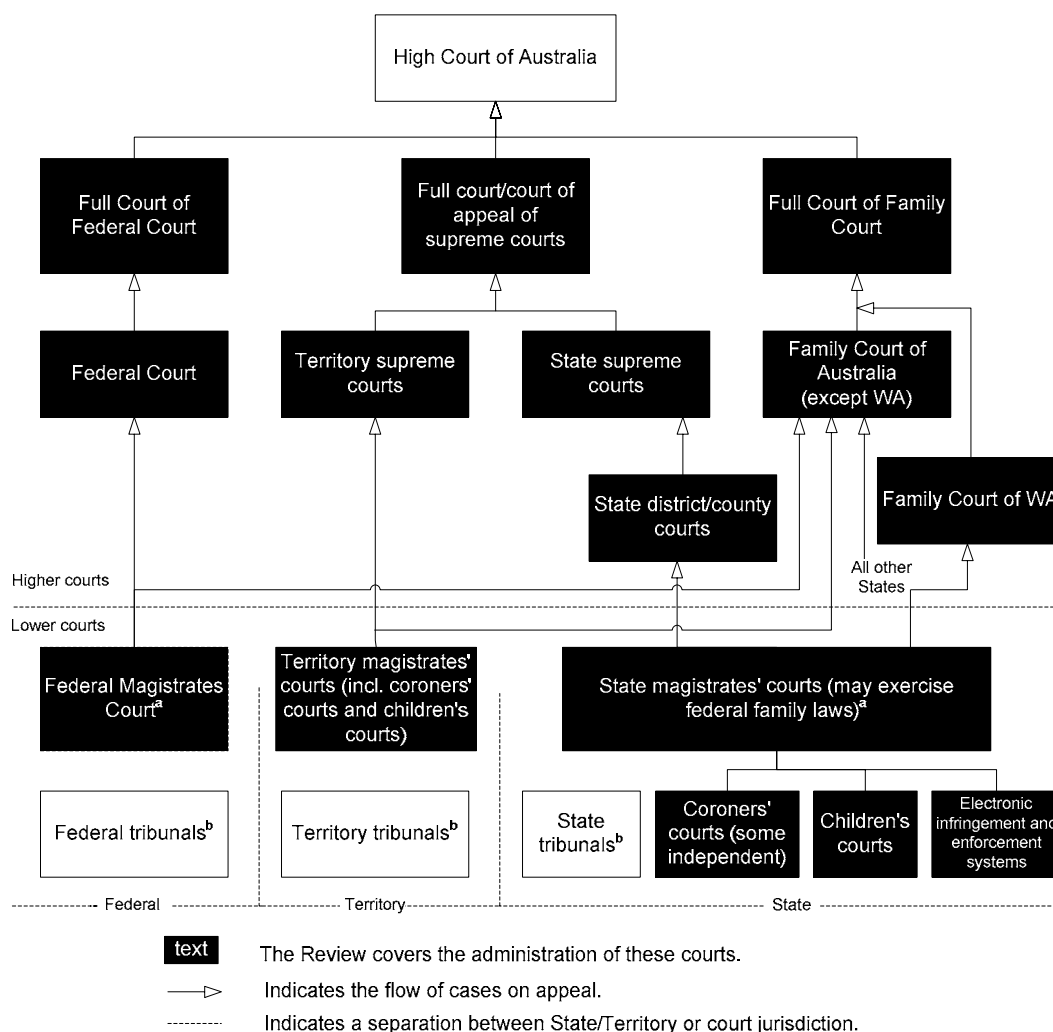
### *Federal Magistrates Court of Australia*

The first sittings of the Federal Magistrates Court were on 3 July 2000. The court was established to provide a simpler and more accessible service for litigants, and to ease the workload of both the Federal Court, and the Family Court of Australia. Its jurisdiction includes family law and child support, administrative law, admiralty, anti-terrorism, bankruptcy, copyright, human rights, migration, privacy. State courts also continue to do some work in these areas.

The Federal Magistrates Court shares its jurisdiction with the Federal Court and the Family Court of Australia. The intention is for the latter two courts to focus on more complex legal matters. The Federal Magistrates Court hears most first instance judicial reviews of migration matters. In trade practices matters it can award damages up to \$750 000. In family law matters its jurisdiction is similar to that of the Family Court of Australia, except that only the Family Court of Australia can consider adoption disputes and applications concerning the nullity and validity of marriage. Otherwise, the Federal Magistrates Court has jurisdiction to hear any matter transferred to it by either the Federal Court or the Family Court of Australia.

The major relationships between, and hierarchy of, courts in Australia are summarised in figure 6.1.

Figure 6.1 Major relationships of courts in Australia<sup>a</sup>



<sup>a</sup> In some jurisdictions, appeals from lower courts or district/county courts may go directly to the full court or court of appeal at the supreme/federal level. <sup>b</sup> Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

### Administrative structures

Most courts use the same court infrastructure (such as court buildings and facilities) for civil and criminal case types. Given that separate information systems and case flow management practices have been established for civil and criminal case types, the Steering Committee has sought to report the two case types separately where possible. In addition, the allocation of responsibilities between court administration and other elements of the system (including the judiciary) varies across the Australian, State and Territory legal systems.

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## **Recurrent expenditure less income**

A number of factors affect court-related expenditure and income, including the volume and type of work undertaken. In some jurisdictions, court fees (which are part of income) are set by government and not by court administrators, and some states and territories apportion, rather than allocate, expenditure (and income) between their criminal and civil courts.

Recurrent expenditure provides an estimate of annual service costs. Recurrent expenditure on court administration covers costs associated with the judiciary, court and probate registries, sheriff and bailiff's offices, court accommodation and other overheads. The components of the expenditure include salary and non-salary expenditure, court administration agency and umbrella department expenditure, and contract expenditure. Total recurrent expenditure by Australian, State and Territory court authorities (excluding the High Court and specialist jurisdiction courts – except for family courts, children's courts and the coroners' courts) was \$1.25 billion in 2005-06 (table 6.1).

Court administration income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). Total income (excluding fines) for the Australian, State and Territory courts covered in this Report was \$288 million in 2005-06 (table 6.1).

The civil jurisdiction of the courts reported the largest income, followed by the electronic infringement and enforcement systems (reported separately within the criminal jurisdiction). Income from electronic infringement and enforcement systems is reported for Victoria, Queensland, SA and WA. In other states and territories (NSW, Tasmania, the ACT and the NT), unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office) and are therefore considered out of scope for this Report. This will have an impact on the income reported for these states and territories.

**Table 6.1 Court administration recurrent expenditure less income (excluding fines), 2005-06 (\$ million)<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
<i>Court administration recurrent expenditure</i>										
Civil courts <sup>c, d, e</sup>	151.5	86.0	49.9	51.1	29.7	4.9	8.1	9.6	80.6	471.4
Criminal courts <sup>f</sup>	175.1	101.8	89.5	79.2	44.1	13.3	7.7	14.1	..	524.9
Electronic systems	..	1.9	9.3	5.5	3.9	..	..	..	..	20.7
Family courts <sup>g</sup>	..	..	..	18.0	..	..	..	..	126.2	144.2
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	49.4	49.4
Coroners' courts	7.8	5.2	9.6	9.1	5.1	0.5	1.0	1.1	..	39.3
Probate — supreme <sup>i</sup>	1.3	0.3	0.1	0.2	0.5	0.1	—	—	..	2.5
<b>Total</b>	<b>335.7</b>	<b>195.2</b>	<b>158.4</b>	<b>163.2</b>	<b>83.3</b>	<b>18.8</b>	<b>16.8</b>	<b>24.7</b>	<b>256.2</b>	<b>1252.4</b>
<i>Court administration income (excluding fines)</i>										
Civil courts <sup>c</sup>	62.7	30.0	16.2	12.0	8.5	1.5	2.4	0.6	9.3	143.2
Criminal courts <sup>f</sup>	12.7	—	2.3	3.0	1.3	0.4	0.7	0.1	..	20.6
Electronic systems	..	23.2	22.5	14.4	12.2	..	..	..	..	72.3
Family courts	..	..	..	1.9	..	..	..	..	6.9	8.8
Federal Magistrates	..	..	..	..	..	..	..	..	13.5	13.5
Coroners' courts	0.1	—	0.1	0.1	—	—	—	—	..	0.4
Probate — supreme	16.5	3.9	2.4	2.5	2.9	0.7	0.4	—	..	29.2
<b>Total</b>	<b>92.0</b>	<b>57.1</b>	<b>43.5</b>	<b>33.9</b>	<b>25.0</b>	<b>2.6</b>	<b>3.5</b>	<b>0.7</b>	<b>29.7</b>	<b>288.0</b>
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts <sup>c, d, e</sup>	88.9	56.0	33.8	39.1	21.1	3.3	5.7	9.0	71.4	328.2
Criminal courts <sup>f</sup>	162.4	101.8	87.2	76.1	42.8	12.9	7.0	14.0	..	504.3
Electronic systems	..	- 21.3	- 13.1	- 8.9	- 8.3	..	..	..	..	- 51.6
Family courts <sup>g</sup>	..	..	..	16.1	..	..	..	..	119.3	135.4
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	35.9	35.9
Coroners' courts	7.6	5.2	9.4	9.0	5.1	0.5	0.9	1.1	..	38.9
Probate — supreme <sup>i</sup>	- 15.2	- 3.6	- 2.3	- 2.2	- 2.4	- 0.6	- 0.3	—	..	- 26.7
<b>Total</b>	<b>243.7</b>	<b>138.1</b>	<b>115.0</b>	<b>129.2</b>	<b>58.3</b>	<b>16.1</b>	<b>13.3</b>	<b>24.1</b>	<b>226.5</b>	<b>964.3</b>

<sup>a</sup> Totals may not sum as a result of rounding. <sup>b</sup> Payroll tax is excluded from expenditure. <sup>c</sup> Includes data for the supreme, district/county and magistrates' courts (including children's courts), and the Federal Court. Excludes data for probate, family courts, the Federal Magistrates Court and coroners' courts. <sup>d</sup> Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Court. <sup>e</sup> The Victorian Magistrates' Court civil data includes a proportion of expenditure from the Victorian Civil and Administrative Tribunal. <sup>f</sup> Includes data for supreme, district/county and magistrates' courts (including children's courts). Excludes data for the electronic infringement and enforcement systems. <sup>g</sup> The figures for the Family Court of Australia exclude, where possible, costs of resources provided free of charge to the Federal Magistrates Court, noting that some relevant resource costs cannot be reliably estimated for exclusion. <sup>h</sup> The Federal Magistrates Court expenditure data includes the resources received free of charge from the Federal Court. <sup>i</sup> The true net revenue may not be identified because rent or depreciation attributable to probate matters may be included under general supreme court figures. .. Not applicable. — Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.9–13.

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Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report, was \$964 million in 2005-06. Expenditure exceeds income in all court jurisdictions except for electronic infringement and enforcement systems, and probate registries in the supreme courts. As reported in table 6.1, expenditure is relatively low on probate matters, as these are limited to uncontested matters that are dealt with by probate registrars (or other registry staff). Where a probate matter is contested it is reported as part of the supreme court figures in the civil jurisdiction. Likewise, electronic infringement and enforcement system matters are dealt with by registry staff, unless contested, in which case the matter will generally be dealt with in the magistrates' court.

Real recurrent expenditure less income (excluding fines) on court administration from 2002-03 to 2005-06, for each of the Australian, State and Territory court levels covered by this Report, is reported in tables 6A.12 and 6A.13.

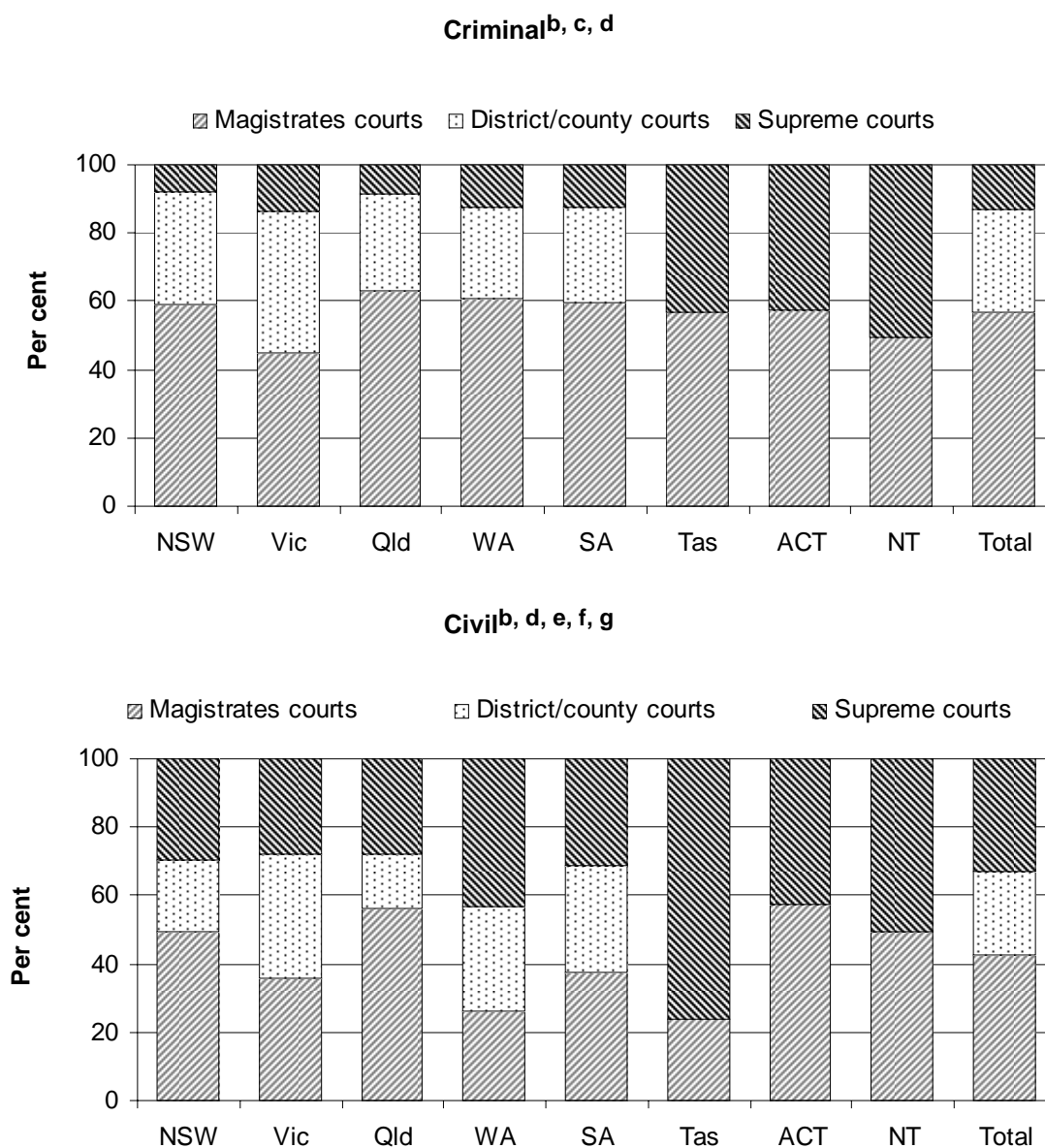
#### *Distribution of criminal and civil court administration expenditure*

The distribution of court administration expenditure (less income) on the magistrates', district/county and supreme courts varied across states and territories in 2005-06. A greater proportion of funds were expended by the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system), for example, than to the supreme courts of other states and territories (under the three-tier court system) (figure 6.2).

In 2005-06, magistrates' courts (excluding electronic infringement and enforcement systems) in the criminal jurisdiction accounted for the largest proportion nationally of recurrent expenditure (less income) across State and Territory criminal courts (56.8 per cent). Whilst in the civil jurisdiction, magistrates' courts accounted for a smaller proportion of recurrent expenditure (less income) nationally (42.4 per cent). The key difference between the civil and criminal jurisdictions comes from the proportionally greater recurrent expenditure (less income) in the supreme courts in the civil jurisdiction relative to the criminal jurisdiction (detail is contained in tables 6A.12 and 6A.13).

Comparison of court expenditure across states and territories should bear in mind the difficulty in apportioning income and expenditure between civil and criminal jurisdictions within court levels. The apportionments are determined within individual states and territories and different approaches to apportionment are used.

Figure 6.2 **Distribution of court administration recurrent expenditure (less income), by court level, 2005-06<sup>a</sup>**



<sup>a</sup> Payroll tax is excluded from expenditure. <sup>b</sup> Magistrates' courts include expenditure on children's courts. <sup>c</sup> Magistrates' courts exclude expenditure on electronic infringement and enforcement systems (applicable to Victoria, Queensland, WA and SA). <sup>d</sup> There are no district/county courts in Tasmania, the ACT or the NT. <sup>e</sup> Supreme courts include probate. <sup>f</sup> Magistrates' courts exclude expenditure on coroners' courts (all states and territories). <sup>g</sup> Excludes Australian courts.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.12-13.

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## Size and scope of court activity

### *Lodgments*

Lodgments are matters initiated in the court system. Box 6.4 explains how lodgment data are collected for this chapter. Table 6.2 (criminal) and table 6.3 (civil) outline the number of lodgments in 2005-06, by court level, for the Australian courts and for each State and Territory.

#### **Box 6.4 Explanation of lodgment data used in this chapter**

Lodgments reflect community demand for court services, such as dispute resolution and criminal justice. The different ways of counting a court's workload reflect the variety of work undertaken within the court system. The units of measurement of workload (or counting units) used within this chapter are:

- *criminal courts* — the number of defendants
- *civil courts* — the number of cases (except in children's courts where, if more than one child can be involved in an application, the counting unit is the number of children involved)
- *family courts* — the number of forms (that is, the number of applications made to the court)
- *electronic infringement and enforcement systems* — the number of unpaid infringement notices
- *coroners' courts* — the number of reported deaths (and, if relevant, reported fires).

Unless otherwise noted, the following types of lodgment are excluded from the criminal and/or civil lodgment data reported in this chapter:

- any lodgment that does not have a defendant element (such as applications for telephone taps etc.)
- extraordinary driver's licence applications
- bail procedures (including applications and review)
- directions
- warrants
- admissions matters (original applications to practice and mutual recognition matters)
- cross-claims
- secondary processes — for example, interlocutory matters, breaches of penalties (that is, bail, suspended sentences, probation)
- applications for default judgments (because the application is a secondary process).

Source: SCRGSP (2006), p. 6.2.

Nationally, in the criminal jurisdiction in 2005-06, there were 800 500 lodgments registered in the supreme, district/county and magistrates' courts, and approximately 1.6 million unpaid infringement notices in electronic infringement and enforcement systems (table 6.2).

**Table 6.2 Court lodgments — criminal, by court level, 2005-06 ('000)<sup>a</sup>**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
Supreme	0.6	0.6	1.8	0.4	0.4	0.6	0.3	0.4	5.0
District/county <sup>b</sup>	10.1	5.1	7.1	2.4	1.5	..	..	..	26.2
Magistrates' (total) <sup>b</sup>	187.7	145.7	187.4	88.8	76.4	64.5	6.5	12.3	769.3
<i>Magistrates' (only)</i>	176.9	134.2	177.0	80.2	69.9	62.8	6.0	11.3	718.4
<i>Children's</i>	10.8	11.6	10.4	8.6	6.5	1.7	0.6	1.0	51.0
<b>All criminal courts</b>	<b>198.4</b>	<b>151.5</b>	<b>196.3</b>	<b>91.6</b>	<b>78.2</b>	<b>65.0</b>	<b>6.8</b>	<b>12.7</b>	<b>800.5</b>
Elec. infringement and enforcement systems <sup>c</sup>	..	741.3	453.0	243.1	142.6	..	..	..	1 580.0

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will lead to a slight overestimation of the magistrates' court total and an underestimation of the district court total. <sup>c</sup> Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other states and territories, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.1.

Nationally, in the civil jurisdiction in 2005-06, there were 649 200 cases lodged in the State and Territory supreme, district/county and magistrates' courts (table 6.3). There were an additional 54 800 probate lodgments in the supreme courts, and 20 000 reported deaths and fires in the coroners' courts.

Reporting rates for deaths reported to a coroner varied across jurisdictions as a result of different reporting requirements. Deaths in institutions (such as nursing homes) of persons suffering intellectual impairment of any kind, for example, must be reported in SA but not in other jurisdictions. Reporting requirements also vary for fires. Fires may be reported and investigated at the discretion of the coroner in NSW, Victoria, Tasmania and the ACT, but are excluded from the coroner's jurisdiction in Queensland, WA, SA and the NT. A disaggregation of coroners' court data by reported deaths and fires is in table 6A.2.

In the Australian court jurisdiction, there were 6200 cases lodged in the Federal Court, and 81 100 matters lodged in the Federal Magistrates Court. Around 51 100 matters were filed in the family courts (more than two thirds of these were filed in the Family Court of Australia and just under one third in the Family Court of WA).

Table 6.3 **Court lodgments — civil, by court level, 2005-06 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme (excl probate) / Federal	13.2	6.7	5.8	2.5	1.2	1.3	1.2	0.3	6.2	38.3
District/county	7.7	5.0	5.9	3.1	3.0	..	..	..	..	24.6
Magistrates' (total)	209.6	185.5	90.2	49.1	33.7	11.2	6.8	6.4	..	592.4
<i>Magistrates' (only)<sup>b</sup></i>	202.8	180.9	86.6	48.3	32.5	10.9	6.5	6.3	..	574.9
<i>Children's<sup>c, d</sup></i>	6.8	4.5	3.6	0.7	1.2	0.4	0.3	0.1	..	17.5
<b>All civil courts</b>	<b>230.4</b>	<b>197.1</b>	<b>101.9</b>	<b>54.7</b>	<b>37.9</b>	<b>12.6</b>	<b>8.0</b>	<b>6.7</b>	<b>6.2</b>	<b>655.4</b>
Family courts	..	..	..	15.7	..	..	..	..	35.4	51.1
Federal Magistrates	..	..	..	..	..	..	..	..	81.1	81.1
Coroners' courts	6.2	4.9	3.1	1.6	2.1	0.6	1.3	0.3	..	20.0
Probate — supreme	20.9	15.6	5.4	5.1	4.9	2.1	0.6	0.1	..	54.8

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Victorian Magistrates' Court civil data includes a proportion of lodgments from the Victorian Civil and Administrative Tribunal. <sup>c</sup> The Queensland Children's Courts data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. <sup>d</sup> In the NT a perpetual file is held for each child, therefore additional applications are not lodged separately but as part of the original application. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.2.

The number of lodgments per 100 000 people can be used to assist in understanding the comparative workload of a court in relation to the population size of the State or Territory. Tables 6A.3 and 6A.4 provide data on criminal and civil lodgments (per 100 000 people) respectively for each State and Territory.

#### *Distribution of court lodgments*

The majority of both criminal and civil matters in Australia in 2005-06 were lodged in the magistrates' courts (table 6.4). Whilst a greater proportion of criminal matters were lodged in the district/county courts compared to the supreme courts, the opposite was true for civil matters.

**Table 6.4 Distribution of court lodgments, by court level, 2005–06<sup>a</sup>**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>Criminal courts</i>										
Supreme	%	0.3	0.4	0.9	0.5	0.5	0.9	4.3	3.0	0.6
District/county <sup>b</sup>	%	5.1	3.4	3.6	2.6	1.9	..	..	..	3.3
Magistrates' (total) <sup>b</sup>	%	94.6	96.2	95.5	96.9	97.6	99.1	95.7	97.0	96.1
<b>All criminal courts<sup>c</sup></b>	<b>'000</b>	<b>198.4</b>	<b>151.5</b>	<b>196.3</b>	<b>91.6</b>	<b>78.2</b>	<b>65.0</b>	<b>6.8</b>	<b>12.7</b>	<b>800.5</b>
<i>Civil courts</i>										
Supreme <sup>d</sup>	%	5.7	3.4	5.7	4.6	3.2	10.6	14.4	4.9	5.0
District/county	%	3.3	2.5	5.8	5.7	7.9	..	..	..	3.8
Magistrates' (total) <sup>e</sup>	%	91.0	94.1	88.6	89.7	88.9	89.4	85.6	95.1	91.3
<b>All civil courts<sup>f</sup></b>	<b>'000</b>	<b>230.4</b>	<b>197.1</b>	<b>101.9</b>	<b>54.7</b>	<b>37.9</b>	<b>12.6</b>	<b>8.0</b>	<b>6.7</b>	<b>649.2</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will lead to a slight overestimation of the magistrates' court total and an underestimation of the district court total. <sup>c</sup> Excludes electronic infringement and enforcement systems (Vic, Qld, WA, SA). <sup>d</sup> Excludes probate matters. <sup>e</sup> The Victorian Magistrates' Court civil data includes a proportion of lodgments from the Victorian Civil and Administrative Tribunal. <sup>f</sup> Excludes data for the Federal Court, the Federal Magistrates Court, family and coroners' courts. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.1–2.

### Finalisations

Finalisations represent the completion of matters in the court system. Each lodgment can be finalised only once. Matters may be finalised by adjudication, transfer or another non-adjudicated method (such as withdrawal of a matter by the prosecution, or settlement by the parties).

Tables 6.5 (criminal) and 6.6 (civil) outline the number of finalisations in 2005-06, by court level, for the Australian courts and each State and Territory. Lodgments need not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year.

In 2005-06, there were: 772 300 criminal finalisations in the supreme, district/county and magistrates' courts; and approximately 1.7 million unpaid infringement notice finalisations in electronic infringement and enforcements systems (table 6.5).

In 2005-06, 614 500 civil cases were finalised in the State and Territory supreme, district/county and magistrates' courts, excluding the Federal Court which finalised 6500 cases. The Federal Magistrates Court finalised 80 700 matters (mainly family law forms plus some federal law cases) and the family courts finalised 51 500 matters. The Family Court of WA processes a mixture of work that includes elements of the work dealt with by the different federal courts. There were around

18 100 finalisations (involving reported deaths and fires) in the coroners' courts (table 6.6).

**Table 6.5 Court finalisations — criminal, 2005-06 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Supreme	0.6	0.6	1.6	0.4	0.4	0.6	0.3	0.4	4.9
District/county <sup>b, c</sup>	9.7	4.3	7.5	2.6	1.3	..	..	..	25.4
Magistrates' (total) <sup>b</sup>	189.4	134.8	180.3	95.1	76.0	46.5	7.3	12.5	741.9
<i>Magistrates' (only)</i>	178.7	125.4	170.0	86.6	69.4	45.2	6.8	11.3	693.3
<i>Children's</i>	10.7	9.4	10.3	8.6	6.6	1.3	0.5	1.1	48.6
<b>All criminal courts</b>	<b>199.7</b>	<b>139.7</b>	<b>189.4</b>	<b>98.2</b>	<b>77.8</b>	<b>47.0</b>	<b>7.6</b>	<b>12.9</b>	<b>772.3</b>
Elec. infringement and enforcement systems <sup>d</sup>	..	1 073.3	398.6	107.4	124.3	..	..	..	1 703.6

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will lead to a slight overestimation of the magistrates' court total and an underestimation of the district court total. <sup>c</sup> Queensland District Court appeals finalised have been extrapolated. <sup>d</sup> Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other jurisdictions, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.5.

**Table 6.6 Court finalisations — civil, 2005-06 ('000)<sup>a</sup>**

	NSW	Vic <sup>b</sup>	Qld	WA	SA	Tas	ACT	NT	Aust Courts <sup>b</sup>	Total
Supreme <sup>c, d</sup> /Federal	13.6	5.7	5.3	2.5	1.5	1.8	1.1	0.3	6.5	38.2
District/county <sup>c</sup>	8.5	6.1	7.7	4.1	3.2	..	..	..	..	29.5
Magistrates' (total)	195.7	156.0	89.5	48.0	39.6	11.5	7.2	5.7	..	553.3
<i>Magistrates' (only)<sup>e</sup></i>	189.0	152.4	85.9	47.2	38.5	11.2	7.0	5.6	..	536.9
<i>Children's<sup>f</sup></i>	6.6	3.6	3.5	0.8	1.2	0.3	0.3	0.1	..	16.5
<b>All civil courts</b>	<b>217.7</b>	<b>167.7</b>	<b>102.4</b>	<b>54.6</b>	<b>44.3</b>	<b>13.3</b>	<b>8.3</b>	<b>6.1</b>	<b>6.5</b>	<b>621.0</b>
Family courts	..	..	..	13.6	..	..	..	..	37.9	51.5
Federal Magistrates	..	..	..	..	..	..	..	..	80.7	80.7
Coroners' courts	5.1	4.6	2.7	1.3	2.2	0.7	1.2	0.3	..	18.1

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In the Victorian magistrates' court and the Australian courts the 12 month deeming rule for inactive cases has not been used. This may result in an underestimate of the finalised cases according to the Report's counting rules for these courts. <sup>c</sup> Queensland finalisations data are extrapolated. <sup>d</sup> The supreme court data excludes finalisations of probate cases. <sup>e</sup> The Victorian Magistrates' Court civil data include a proportion of finalisations from the Victorian Civil and Administrative Tribunal. <sup>f</sup> The Queensland Children's Courts data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. .. Not applicable.

Source: Australian, State and Territory court administration authorities/departments (unpublished); table 6A.6.

The number of finalisations per 100 000 people is available in tables 6A.7 and 6A.8.

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## 6.2 Framework of performance indicators

The framework of performance indicators is based on common objectives for court administration services across Australia (box 6.5). The emphasis placed on each objective may vary across states and territories and court level.

### Box 6.5 Objectives for court administration

Objectives for court administration are:

- to be open and accessible
- to process matters in an expeditious and timely manner
- to provide due process and equal protection before the law
- to be independent yet publicly accountable for performance.

In addition, all governments aim to provide court administration services in an efficient manner.

### The performance indicator framework

The performance indicator framework is shown in figure 6.3. For all data, the text includes relevant caveats and supporting commentary. Indicators that are considered comparable are only comparable subject to the caveats and footnotes accompanying the definition of the indicator, and tables of indicator results. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

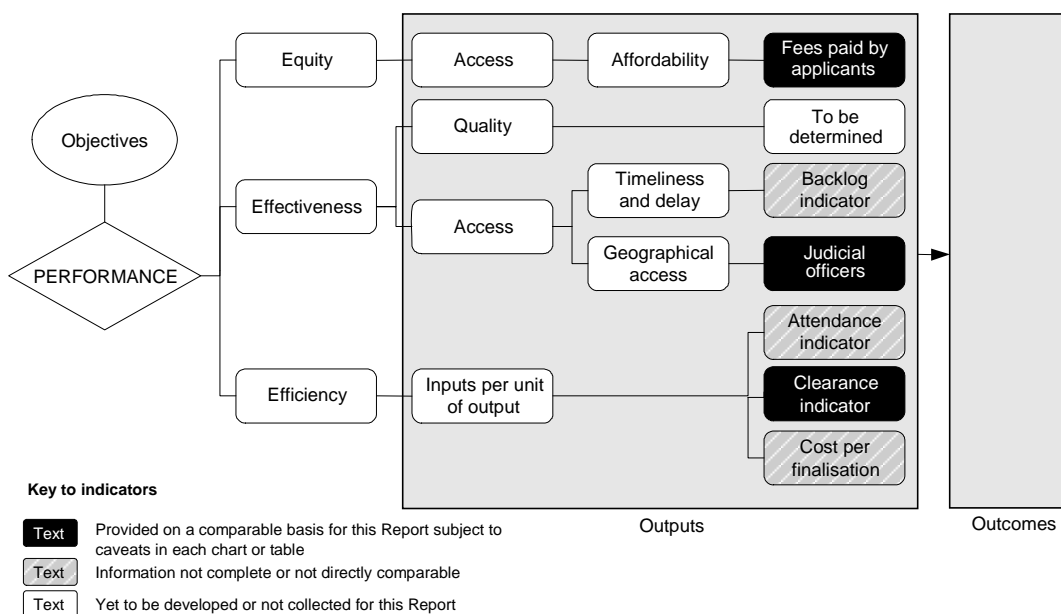
Each indicator in the framework is briefly described below, while more information about each indicator can be found in relevant text boxes that are provided with the performance indicator results (section 6.3):

- *fees paid by applicants* — an access indicator of the average court fees paid per lodgment (box 6.6)
- *backlog indicator* — an effectiveness indicator of case processing timeliness that relates the age (in elapsed time) of a court's pending caseload against time standards (box 6.8)
- *judicial officers* — an effectiveness indicator that represents the availability of resources (that is, the number of officers who can make enforceable orders of the court) (box 6.11)
- *attendance indicator* — an efficiency indicator derived from the average number of attendances required to reach finalisation for all cases finalised during the year (box 6.12)

- *clearance rate* — an efficiency indicator showing whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court’s pending caseload has increased or decreased over that period (box 6.13)
- *cost per finalisation* — an efficiency indicator derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period (box 6.14).

As shown in figure 6.3, all of the above are output indicators. There are no outcome indicators for court administration. The activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed by this service-specific chapter.

Figure 6.3 Performance indicator framework for court administration



### 6.3 Key performance indicator results

Different delivery locations, case loads, case mixes and government policies may affect the equity, effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across states and territories and Australian courts. Performance comparison needs to account for these factors. In addition to the material in boxes 6.1, 6.2 and 6.3, Appendix A — the statistical

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appendix — contains detailed statistics and short profiles on each State and Territory, and other data which may assist in interpreting the performance indicators presented in this chapter.

The court administration data collection is based on national counting rules, so data presented in this chapter may differ from data published by individual jurisdictions in their annual reports. There also may be differences from the data reported in the Australian Bureau of Statistics (ABS) *Criminal Courts* publication (ABS 2006).

The Steering Committee focuses on providing the best available data in a timely fashion. Jurisdictions, when signing off the data, acknowledge that the data have been supplied according to the nationally agreed counting rules. Where a jurisdiction advises that it has diverged from these counting rules, this divergence is appropriately footnoted in the table and surrounding text.

The Steering Committee recognises, however, that this collection (unlike some other data collections) does not have an intermediary data collector or validator akin to the Australian Institute of Health and Welfare or the ABS. The reporting process in this chapter is one of continual improvement and refinement, with the long term aim of ensuring a national data collection that covers court activities across the Australian, State and Territory jurisdictions in a timely and comparable way.

## Outputs

### *Equity — fees paid by applicants*

A description of this indicator is contained in box 6.6.

#### **Box 6.6 Fees paid by applicants**

'Fees paid by applicants' is an output (equity – access) indicator of the average court fees paid per lodgment.

It is derived by dividing the total court fees collected by the number of lodgments in a year.

Court fees largely relate to civil cases. Providing court administration service quality is held constant, lower court fees help keep courts accessible.

It is important to note that court fees are only part of the costs faced by litigants (with legal fees being more significant).

In 2005-06, average court fees paid per lodgment were greater in supreme courts than in district/county and magistrate courts (table 6.7). This is consistent across all jurisdictions.

Differences in average fees arise between the Australian, and State and Territory court levels for many reasons and caution should be used in making direct comparisons. For example, in all NSW civil jurisdictions corporations are charged twice the applicable fee payable by private individuals. Therefore, the 'average' fees for NSW are substantially higher than the actual fees paid by private individuals. Similarly, the Family Court of WA does elements of work of both the Federal Magistrates Court and the Family Court of Australia, so direct comparisons with either are not possible.

**Table 6.7 Average civil court fees collected per lodgment, 2005-06 (dollars)**

	<i>NSW<sup>a</sup></i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust courts</i>	<i>Total</i>
Supreme (excl probate)/Federal	1 530	1 216	560	1 232	1 204	379	968	305	1 008	1 148
District/county	1 245	1 027	505	851	446	..	..	..	..	877
Magistrates' (total) <sup>b</sup>	136	81	98	88	95	61	54	57	..	103
<i>Magistrates' (only)</i>	140	83	102	89	98	63	56	57	..	106
<i>Children's</i>	5	..	–	–	4	..	..	..	..	2
Family courts <sup>c</sup>	..	..	..	120	..	..	..	..	66	82
Federal Magistrates	..	..	..	..	..	..	..	..	165	165
Probate — supreme	791	246	445	489	585	328	595	300	..	533

<sup>a</sup> In NSW, corporations are charged twice the amount individuals are charged, therefore the average fees do not represent the charge to individuals. .. Not applicable. <sup>b</sup> The Victorian magistrates' court fees include civil and criminal court fees (though the criminal component is relatively small), and fees paid through the Victorian Civil Administrative Tribunal. <sup>c</sup> Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

*Source:* Australian, State and Territory court administration authorities and departments (unpublished); table 6A.16.

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2005-06 (table 6.8). Nationally, for the states and territories, the proportion of costs recovered via court fees was greatest in the magistrates' courts, followed by the district/county courts and then the supreme courts.

**Table 6.8 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2005-06 (per cent)<sup>a</sup>**

	NSW <sup>b</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme <sup>c</sup> /Federal	34.1	30.8	22.4	14.4	14.3	15.3	29.7	2.1	7.7	19.6
District/county	35.9	21.0	36.5	18.9	17.7	..	..	..	..	26.8
Magistrates' (total) <sup>d</sup>	43.3	42.4	32.5	27.8	26.7	44.1	8.5	7.5	..	36.8
Magistrates' (only) <sup>d</sup>	47.6	49.2	37.8	28.6	28.2	44.1	9.2	7.6	..	40.7
Children's	0.6	..	–	–	0.7	..	..	..	..	0.2
Family courts <sup>e</sup>	..	..	..	10.5	..	..	..	..	1.8	8.5
Federal Magistrates	..	..	..	..	..	..	..	..	27.2	27.2

<sup>a</sup> Recurrent expenditure excludes payroll tax. <sup>b</sup> In NSW, corporations are charged twice the amount individuals are charged, therefore the average fees do not represent the charge to individuals. <sup>c</sup> Excludes probate costs. <sup>d</sup> The Victorian magistrates' court fees include civil and criminal court fees (though the criminal component is relatively small), and fees paid through the Victorian Civil Administrative Tribunal. <sup>e</sup> Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.15.

### *Effectiveness — quality*

The Steering Committee has identified quality as an important measure of court administration performance (box 6.7).

#### **Box 6.7 Indicators of quality**

Indicators of quality for court administration have not yet been identified. The perceptions of court users about the quality of the services delivered by courts may be strongly influenced by the outcomes of judicial decisions (which are not the subject of this chapter). Isolating perceptions of the quality of court administration may be difficult.

### *Effectiveness — backlog indicator*

The backlog indicator is an indicator of case processing timeliness, described in box 6.8. This indicator compares the age (in elapsed time) of a court's pending caseload against nominated time standards. Pending counts are taken at 30 June each year, and at the same time, an age analysis of the pending caseload is undertaken against the time standards.

Results can be affected by the complexity and distribution of cases, which may vary across court levels within each State and Territory and the Australian courts (boxes 6.1, 6.2 and 6.3). Additionally, Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court), whereas the other

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states and territories have a three-tier court system. This difference needs to be taken into account when comparing the results of the backlog indicator.

Case processing timeliness can also be affected by delays caused by factors outside the direct control of court administration.

**Box 6.8 Backlog indicator**

The 'backlog indicator' is an output (effectiveness – access) indicator of case processing timeliness.

It is derived by comparing the age (in elapsed time) of a court's pending caseload against time standards.

The following national standards have been set:

The Federal Magistrates Court, magistrates' and children's courts:

- no more than 10 per cent of lodgments pending completion are to be more than 6 months old
- no lodgments pending completion are to be more than 12 months old.

Supreme courts, the Federal Court, district, family and coroners' courts and all appeals:

- no more than 10 per cent of lodgments pending completion are to be more than 12 months old
- no lodgments pending completion are to be more than 24 months old.

Performance relative to the timeliness standards indicates effective management of caseloads, and court accessibility.

Time taken to process cases is not necessarily court administration delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness not being available).

In the 2007 Report, the national standards for the backlog indicator have been amended for coroners' courts. The new national standards are shown in box 6.8. Previously, the national standards for coroners' courts had been the same as those for magistrates' courts. Investigations into the practice, procedures and complexities of matters in coroners' courts, particularly for coronial inquests, indicated that the national standards used for supreme and district/county courts, rather than those for magistrates' courts, should be applied to coroners' courts.

Data on the backlog indicator for criminal matters is contained in table 6.9. In the criminal jurisdiction, those defendants who failed to appear when required and had warrants issued have been excluded from the pending caseload count.

Table 6.9 **Backlog indicator — all criminal matters, as at 30 June 2006**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
<b>Higher<sup>a, b</sup> — appeal</b>									
Pending caseload	no.	1 430	1 370	395	206	77	27	37	15
<i>cases &gt; 12 mths</i>	%	2.7	10.6	16.2	16.5	2.6	3.7	13.5	26.7
<i>cases &gt; 24 mths</i>	%	0.5	3.1	5.3	1.0	—	—	—	—
<b>Higher<sup>a, b</sup> — non-appeal<sup>c</sup></b>									
Pending caseload	no.	1 592	2 268	2 753	1 389	1 223	185	166	114
<i>cases &gt; 12 mths</i>	%	14.0	17.6	19.7	31.5	28.0	16.2	19.3	21.9
<i>cases &gt; 24 mths</i>	%	2.3	2.9	6.4	6.8	7.4	4.3	2.4	14.0
<b>Supreme<sup>b</sup> — appeal</b>									
Pending caseload	no.	207	306	124	206	77	27	37	15
<i>cases &gt; 12 mths</i>	%	5.8	17.3	0.8	16.5	2.6	3.7	13.5	26.7
<i>cases &gt; 24 mths</i>	%	1.9	1.3	—	1.0	—	—	—	—
<b>Supreme<sup>b</sup> — non-appeal<sup>c</sup></b>									
Pending caseload	no.	94	226	514	80	82	185	166	114
<i>cases &gt; 12 mths</i>	%	39.4	19.9	17.3	22.5	28.0	16.2	19.3	21.9
<i>cases &gt; 24 mths</i>	%	5.3	8.4	3.5	3.8	6.1	4.3	2.4	14.0
<b>District/county<sup>d</sup> — appeal<sup>e</sup></b>									
Pending caseload	no.	1 223	1 064	271	..	..	..	..	..
<i>cases &gt; 12 mths</i>	%	2.2	8.6	23.2	..	..	..	..	..
<i>cases &gt; 24 mths</i>	%	0.2	3.7	7.7	..	..	..	..	..
<b>District/county<sup>d</sup> — non-appeal<sup>c</sup></b>									
Pending caseload	no.	1 498	2 042	2 239	1 309	1 141	..	..	..
<i>cases &gt; 12 mths</i>	%	12.4	17.3	20.2	32.0	28.0	..	..	..
<i>cases &gt; 24 mths</i>	%	2.1	2.3	7.0	7.0	7.5	..	..	..
<b>Magistrates<sup>f</sup></b>									
Pending caseload	no.	17 492	27 259	34 626	10 133	22 526	24 956	1 347	na
<i>cases &gt; 6 mths</i>	%	9.9	20.1	30.9	28.3	32.6	28.1	25.2	na
<i>cases &gt; 12 mths</i>	%	2.1	5.4	15.5	10.8	15.0	4.8	10.3	na
<b>Children's<sup>f</sup></b>									
Pending caseload	no.	1 603	2 582	2 385	1 338	1 359	670	188	na
<i>cases &gt; 6 mths</i>	%	12.5	13.2	24.8	23.6	22.2	31.3	22.9	na
<i>cases &gt; 12 mths</i>	%	1.6	1.6	10.4	6.6	10.2	9.9	3.7	na

<sup>a</sup> Higher refers to supreme and district/county courts combined. <sup>b</sup> In NSW, the criminal casemix of the Supreme Court is principally murder and manslaughter cases and therefore not directly comparable with supreme courts in other states and territories. <sup>c</sup> In Queensland, the age of pending non-appeal cases that are initiated in the Supreme or District Court as a result of a committal hearing in the Magistrates' Court, have been calculated using the date of presentation of the indictment, not the date of committal order in the Magistrates Court. <sup>d</sup> There is no criminal appellate jurisdiction in the district courts in WA or SA. All criminal appeals from the magistrates' courts go directly to the supreme courts in these states. <sup>e</sup> Queensland District Court appeals pending have been extrapolated. <sup>f</sup> The criminal pending caseload figures for the NSW Magistrates' Court and NSW Children's Court are extrapolated. **na** Not available. **..** Not applicable. **—** Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.17.

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Case processing timeliness in civil cases can be affected by several factors (box 6.9).

**Box 6.9 Civil timeliness factors**

The following factors may affect the timeliness of case processing in the civil courts:

- where civil cases are contested, a single case may involve several related applications or issues that require judgments and decisions by the court
- the parties to a case can significantly affect the conduct and timeliness of a case — that is, matters often may be adjourned at the instigation of, and by the consent of, the parties — such consent arrangements are outside the control of the court
- the court may employ case management or other dispute resolution processes (for example, mediation) that are alternatives to formal adjudication
- an inactive case is regarded as finalised (or closed) one year after the last action on the case (as per the Report’s rules for this data collection).

Case processing timeliness in criminal cases (and for some civil cases) can also be affected by orders or programs that are initiated following a court lodgment, but prior to a court finalisation. These programs or orders are commonly referred to as diversion programs and are outlined in more detail in box 6.10.

Different case completion times in the civil jurisdiction of the states and territories generally reflect different case flow management practices, the individual needs of cases, and the priority given to criminal matters.

Data on the backlog indicator for civil matters is contained in table 6.10. In the civil jurisdiction, those lodgments that have not been acted upon in the past 12 months are counted as finalised for the purpose of this Report, the aim being to focus on those matters that are part of an ‘active pending’ population. For this Report, the Victorian magistrates’ courts have not applied this deeming rule, which may result in an increased pending caseload with longer duration. Some courts (for example, the Australian courts) proactively manage all their civil cases. Consequently, cases that, by their nature, cannot be finalised for a lengthy period are not deemed finalised, but continue to be monitored from time to time by these courts.

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### Box 6.10 **Diversion programs and the impact on timeliness**

Courts offer diversion programs to improve the quality of outcomes within the justice system and for the community generally. Diversion programs can involve processes that are outside the control of court administration. The period between lodgment and finalisation can be affected by those processes.

Within the criminal justice system, diversion programs are usually focussed on rehabilitation for the defendant and/or restoration for the victim. They are most often (but not exclusively) used in the magistrates' courts, and usually are voluntary. Examples include:

- referral of defendants to drug programs (from counselling through to treatment programs) — available in all states and territories except Tasmania
- referral of defendants to a mental health court (Queensland and SA) or for various mental health assessments (NSW and ACT)
- referral of defendants to a family violence court (WA and SA) for participation in targeted programs
- referral of defendants to an Indigenous court or Circle Sentencing program (NSW, Victoria, Queensland, SA and ACT).

The processes listed above can range in completion times between one week and seven years. With some diversion programs, success will delay finalisation significantly. For example, some drug court programs can require compliance for 12 months or longer before the defendant is considered to have completed the program.

Within the civil justice system, diversion programs can be a quicker and cheaper form of dispute resolution. Examples include:

- mediation — referrals can be made at any time during the proceedings. A court may require parties to complete a mediation program within a specified time, or can consider the timeframe to be 'open-ended' (for example, referrals to the Native Title Tribunal). Completion time can also be affected by the complexity of the dispute and the number of parties involved, and can therefore vary significantly from case to case. Usually all parties consent to use mediation, but in some states parties can be ordered to mediate their dispute
- arbitration — referrals are usually made early in the proceedings and the court supervises the process. The hearing is shorter than a court hearing. Participation can be voluntary or by order
- reference to a referee — technical issues arising in proceedings may be referred to suitably qualified experts (referees) for inquiry and report. The court supervises the process and may adopt, vary or reject the report.

Success at mediation (settlement of the case) or at arbitration (acceptance of the arbitrator's award) generally finalises cases earlier than if finalised by trial and judgment. Where the mediation or arbitration is unsuccessful, the delaying effect on finalisation is highly variable.

Table 6.10 **Backlog indicator — all civil matters, as at 30 June 2006**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust cts</i>
<b>Higher<sup>a</sup> — appeal<sup>b</sup></b>										
Pending caseload	no.	671	360	218	360	64	102	20	58	580
cases > 12 mths	%	14.9	16.9	12.8	21.9	4.7	18.6	5.0	10.3	13.3
cases > 24 mths	%	2.1	5.6	5.5	3.6	3.1	4.9	—	6.9	2.2
<b>Higher<sup>a</sup> — non-appeal<sup>b, c</sup></b>										
Pending caseload	no.	14 785	12 159	10 820	5 278	3 824	1 554	1 401	233	3 240
cases > 12 mths	%	26.4	35.4	39.4	39.8	26.1	39.8	39.3	56.7	48.7
cases > 24 mths	%	10.7	17.4	22.0	19.2	11.1	26.6	19.6	39.5	34.9
<b>Supreme/Federal — appeal</b>										
Pending caseload	no.	638	271	105	248	50	102	20	58	580
cases > 12 mths	%	14.1	21.8	1.9	22.2	6.0	18.6	5.0	10.3	13.3
cases > 24 mths	%	2.0	7.4	—	2.4	4.0	4.9	—	6.9	2.2
<b>Supreme/Federal — non-appeal<sup>b, c</sup></b>										
Pending caseload	no.	7 437	5 991	5 140	2 565	558	1 554	1 401	233	3 240
cases > 12 mths	%	25.4	30.2	39.3	41.4	20.8	39.8	39.3	56.7	48.7
cases > 24 mths	%	11.2	10.9	21.8	21.5	6.8	26.6	19.6	39.5	34.9
<b>District/county — appeal<sup>b</sup></b>										
Pending caseload	no.	33	89	113	112	14	..	..	..	..
cases > 12 mths	%	30.3	2.2	23.0	21.4	—	..	..	..	..
cases > 24 mths	%	3.0	—	10.6	6.3	—	..	..	..	..
<b>District/county — non-appeal<sup>b</sup></b>										
Pending caseload	no.	7 348	6 168	5 680	2 713	3 266	..	..	..	..
cases > 12 mths	%	27.4	40.4	39.5	38.4	27.0	..	..	..	..
cases > 24 mths	%	10.2	23.8	22.1	17.0	11.9	..	..	..	..
<b>Family — appeal</b>										
Pending caseload	no.	..	..	..	56	..	..	..	..	302
cases > 12 mths	%	..	..	..	48.2	..	..	..	..	38.1
cases > 24 mths	%	..	..	..	33.9	..	..	..	..	16.2
<b>Family — non-appeal</b>										
Pending caseload	no.	..	..	..	8 253	..	..	..	..	14 820
cases > 12 mths	%	..	..	..	42.6	..	..	..	..	35.3
cases > 24 mths	%	..	..	..	26.9	..	..	..	..	18.0
<b>Magistrates<sup>d, e</sup></b>										
Pending caseload	no.	na	13 710	37 898	29 037	16 129	5 357	2 332	922	..
cases > 6 mths	%	na	23.6	45.2	33.4	42.3	34.9	41.5	60.3	..
cases > 12 mths	%	na	11.1	6.7	8.8	12.5	4.7	11.1	32.6	..
<b>Federal Magistrates</b>										
Pending caseload	no.	..	..	..	..	..	..	..	..	25 283
cases > 6 mths	%	..	..	..	..	..	..	..	..	27.6
cases > 12 mths	%	..	..	..	..	..	..	..	..	16.6

(Continued on next page)

Table 6.10 (Continued)

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust cts
<b>Coroners<sup>a</sup></b>										
Pending caseload	no.	4 066	2 977	2 200	1 236	1 253	233	246	226	..
cases > 12 mths	%	40.3	28.2	26.3	26.9	29.3	20.6	25.6	17.7	..
cases > 24 mths	%	na	na	10.6	7.2	13.0	4.7	13.4	6.2	..

<sup>a</sup> Higher refers to State and Territory supreme courts and district/county courts combined, and includes the Federal Court. <sup>b</sup> Queensland data have been extrapolated. <sup>c</sup> Non-appeal matters for the Federal Court include a significant number of Native Title matters which by nature are both long and complex. <sup>d</sup> Excludes children's courts. <sup>e</sup> The Victorian Magistrates' Court civil data include a proportion of pending caseload from the Victorian Civil and Administrative Tribunal. **na** Not available. **..** Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court authorities and departments (unpublished); table 6A.18.

### Effectiveness — judicial officers

This indicator relates access to the number of judicial officers available to deal with cases (box 6.11).

#### Box 6.11 Judicial officers

'Judicial officers' is an output (effectiveness – access) indicator that represents the availability of resources.

It is the number of officers who can make enforceable orders of the court. For the purposes of this chapter, the definition of a judicial officer includes:

- judges
- magistrates
- masters
- coroners
- judicial registrars
- all other officers who, following argument and giving of evidence, make enforceable orders of the court.

Numbers are expressed in full time equivalent terms and based on the proportion of time spent on judicial functions. They are also presented in comparison to the population of each jurisdiction.

A higher proportion of judicial officers in the population indicates potentially greater access to the judicial system. However the indicator is not able to take account of other factors that may impact on access, including judicial workload (number of cases per judicial officer), geographical dispersion or population density.

Results for this indicator include the number of full time equivalent judicial officers available to deal with cases, and a comparison of this count to population size.

The number of full time equivalent judicial officers for each court level is outlined in table 6.11. In all State and Territory jurisdictions with a three-tier system, there were more judicial officers in the magistrates' courts than in the district/county courts, and more officers in the district/county courts than in the supreme courts. Table 6.12 shows the number of judicial officers per 100 000 people.

**Table 6.11 Judicial officers, full time equivalent, 2005-06<sup>a</sup>**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust Courts</i>	<i>Total</i>
Supreme/Federal	62.5	41.0	20.4	29.1	14.9	7.5	5.6	7.9	53.0	241.9
District/county	70.1	52.0	30.1	25.7	20.4	..	..	..	..	198.3
Magistrates <sup>b</sup>	112.0	123.0	67.0	43.0	35.6	10.8	6.4	12.4	..	410.2
Children's	18.0	8.0	6.6	4.4	4.8	0.6	1.1	1.2	..	44.6
Family courts	..	..	..	13.6	..	..	..	..	50.0	63.6
Federal										
Magistrates	..	..	..	..	..	..	..	..	35.0	35.0
Coroners' courts	5.0	5.0	6.0	2.0	1.7	0.2	0.4	1.5	..	21.8
<b>Total<sup>c</sup></b>	<b>267.6</b>	<b>229.0</b>	<b>130.1</b>	<b>117.8</b>	<b>77.4</b>	<b>19.1</b>	<b>13.5</b>	<b>22.9</b>	<b>138.0</b>	<b>1 015.4</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The data for Victoria include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. <sup>c</sup> Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable.

Source: Australian, State and Territory court administration departments (unpublished); table 6A.20.

**Table 6.12 Judicial officers, full time equivalent, per 100 000 people, 2005-06<sup>a</sup>**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust Courts<sup>b</sup></i>	<i>Total</i>
<i>Population ('000)<sup>c</sup></i>	<i>6810</i>	<i>5061</i>	<i>4023</i>	<i>2034</i>	<i>1548</i>	<i>488</i>	<i>327</i>	<i>205</i>	<i>..</i>	<i>20 497</i>
<i>Judicial officers per 100 000 people</i>										
Supreme/Federal	0.9	0.8	0.5	1.4	1.0	1.5	1.7	3.9	0.3	1.2
District/county	1.0	1.0	0.7	1.3	1.3	..	..	..	..	1.0
Magistrates <sup>d</sup>	1.6	2.4	1.7	2.1	2.3	2.2	2.0	6.0	..	2.0
Children's	0.3	0.2	0.2	0.2	0.3	0.1	0.3	0.6	..	0.2
Family courts	..	..	..	0.7	..	..	..	..	0.2	0.3
Federal										
Magistrates	..	..	..	..	..	..	..	..	0.2	0.2
Coroners' courts	0.1	0.1	0.1	0.1	0.1	–	0.1	0.7	..	0.1
<b>Total<sup>e</sup></b>	<b>3.9</b>	<b>4.5</b>	<b>3.2</b>	<b>5.8</b>	<b>5.0</b>	<b>3.9</b>	<b>4.1</b>	<b>11.2</b>	<b>0.7</b>	<b>5.0</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Australian courts results have been derived using the total population figure for Australia. <sup>c</sup> Population data is the average of the four quarters over the 2005–06 financial year. <sup>d</sup> The data for Victoria include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. <sup>e</sup> Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration departments (unpublished); table 6A.20.

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### *Efficiency — attendance indicator*

The Steering Committee has identified the number of court attendances required to reach finalisation as an indicator of efficiency in the courts (box 6.12).

#### **Box 6.12 Attendance indicator**

The 'attendance indicator' is an output (efficiency) indicator where court attendances act as a proxy for input costs. Alternative efficiency indicators are under development.

The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator (including appointments that are adjourned or rescheduled).

The attendance indicator is presented simply as the average number of attendances required to reach finalisation for all cases finalised during the year (no matter when the attendance occurred).

Fewer attendances may suggest a more efficient process. However, this should be balanced against the argument that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both these aspects are believed to improve the quality of outcomes:

- rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community
- intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant's costs, the number of cases queuing for hearing, and the flow of work on to appellate courts), or, alternatively, to narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).

Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court. Attendance indicator results are reported in table 6.13 (criminal proceedings) and table 6.14 (civil proceedings).

Table 6.13 Attendance indicator — criminal, 2005-06<sup>a</sup>

	NSW <sup>b</sup>	Vic	Qld	WA <sup>c</sup>	SA	Tas	ACT <sup>c</sup>	NT
<i>Average attendances per finalisation</i>								
Supreme	na	3.5	2.9	3.9	3.8	5.7	5.4	7.1
District/county <sup>d</sup>	na	4.2	3.7	5.1	6.3	..	..	..
Magistrates <sup>e</sup>	na	3.4	2.0	2.0	3.0	2.1	3.4	3.1
Children's	na	4.2	2.3	2.8	3.7	5.1	5.2	5.8

<sup>a</sup> Excludes data for the electronic infringement and enforcement systems. <sup>b</sup> NSW data are not available. <sup>c</sup> Total number of attendances based on total number of listings. <sup>d</sup> Queensland District Court appeal data have been extrapolated. <sup>e</sup> The data for Victoria include a proportion of hearings from the Victorian Civil and Administrative Tribunal. **na** Not available. **..** Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.19.

In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve certain matters out of court and thereby reduce the need for judicial hearings. Accordingly, differences between and within states and territories in the availability and use of ADR can affect the comparability of the attendance indicator.

Table 6.14 Attendance indicator — civil, 2005-06

	NSW <sup>a</sup>	Vic	Qld <sup>b</sup>	WA <sup>c</sup>	SA	Tas	ACT <sup>c</sup>	NT	Aust courts
<i>Average attendances per finalisation</i>									
Supreme <sup>d</sup> /Federal	na	1.5	1.6	3.5	3.0	na	4.5	3.7	3.0
District/county	na	2.3	0.7	3.5	4.3	..	..	..	..
Magistrates <sup>e</sup>	na	1.0	0.7	0.6	0.7	na	1.3	1.9	..
Children's <sup>f</sup>	na	1.7	2.3	5.0	2.8	na	6.0	1.9	..
Family courts <sup>g</sup>	..	..	..	1.8	..	..	..	..	3.6
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	1.5
Coroners' courts	na	1.0	2.4	1.0	2.0	1.3	1.8	1.0	..

<sup>a</sup> NSW attendance data are not available. <sup>b</sup> Queensland Supreme and District Court civil attendance data have been extrapolated. <sup>c</sup> Total number of attendances based on total number of listings. <sup>d</sup> Excludes probate matters. <sup>e</sup> The Victorian Magistrates' Court data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. <sup>f</sup> The Queensland Children's Court finalisation data is based on a count of cases, not the number of children involved in the care and protection case. <sup>g</sup> Data for appeal cases in the Family Court of Australia have been excluded; the number of appeal cases and their associated court events are relatively small and their effect on the attendance indicator is considered to be insignificant. <sup>h</sup> Federal Magistrates Court attendance data excludes responses to applications. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.19.

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### *Efficiency — clearance rate*

The clearance rate is presented in this Report as an indicator of efficiency. It shows whether the volume of finalisations matched the volume of lodgments in the same reporting period (box 6.13). Lodgments are a reflection of demand for court services. As noted previously, lodgments need not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year. Consequently, results for this indicator need to be interpreted alongside changes in lodgment, finalisation and pending counts. Trends over time may also provide additional context when interpreting the results of the clearance rate indicator.

#### **Box 6.13 Clearance rate**

The 'clearance rate' is an output (efficiency) indicator showing whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period.

It is derived by dividing the number of finalisations in the reporting period, by the number of lodgments in the same period. The result is multiplied by 100 to convert to a percentage.

The following can assist in interpretation of this indicator:

- a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload is the same as it was 12 months earlier
- a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload has decreased
- a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload has increased.

The clearance rate should be interpreted alongside lodgment and finalisation data, and the backlog indicator, reported earlier in this chapter. Trends over time should also be considered.

The clearance rate can be affected by external factors (such as those causing changes in lodgment rates), as well as by changes in a court's case management practices.

*All matters*

Table 6.15 contains information on the clearance rates for all court matters (both criminal and civil) in 2005-06, and combines appeal and non-appeal matters.

**Table 6.15 Clearance rate (finalisations/lodgments), all matters, 2005-06 (per cent)**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust courts</i>
<b>Supreme/Federal</b>									
Criminal	102.9	97.0	92.1	95.2	119.7	100.4	86.1	110.3	..
Civil <sup>a, b</sup>	103.5	84.8	91.5	98.1	124.5	132.1	91.2	100.9	105.8
<i>Total</i>	<i>103.4</i>	<i>85.8</i>	<i>91.6</i>	<i>97.7</i>	<i>123.4</i>	<i>122.8</i>	<i>90.1</i>	<i>105.9</i>	<i>105.8</i>
<b>District/county</b>									
Criminal <sup>c</sup>	95.5	85.0	105.2	110.5	88.5	..	..	..	..
Civil <sup>b</sup>	110.4	121.5	130.6	130.8	106.8	..	..	..	..
<i>Total</i>	<i>101.9</i>	<i>103.1</i>	<i>116.7</i>	<i>122.0</i>	<i>100.8</i>	..	..	..	..
<b>Magistrates'</b>									
Criminal	101.0	93.5	96.0	108.0	99.3	71.9	113.7	100.0	..
Civil <sup>d</sup>	93.2	84.2	99.2	97.7	118.3	103.1	106.2	89.9	..
<i>Total</i>	<i>96.8</i>	<i>88.2</i>	<i>97.1</i>	<i>104.1</i>	<i>105.3</i>	<i>76.5</i>	<i>109.8</i>	<i>96.4</i>	..
<b>Children's</b>									
Criminal	99.4	81.0	99.7	99.8	102.5	79.7	94.6	117.4	..
Civil <sup>e</sup>	97.9	80.1	98.8	108.4	99.2	91.6	94.3	124.7	..
<i>Total</i>	<i>98.8</i>	<i>80.7</i>	<i>99.5</i>	<i>100.5</i>	<i>102.0</i>	<i>81.8</i>	<i>94.5</i>	<i>118.1</i>	..
<b>Family courts</b>	..	..	..	86.4	..	..	..	..	107.0
<b>Federal Magistrates</b>	..	..	..	..	..	..	..	..	99.4
<b>Electronic<sup>f</sup></b>	..	144.8	88.0	44.2	87.2	..	..	..	..
<b>Coroners' courts</b>	82.3	93.6	89.3	79.6	108.2	105.2	96.0	105.4	..

<sup>a</sup> Excludes probate matters. <sup>b</sup> Queensland data are extrapolated. <sup>c</sup> Queensland District Court appeals finalised have been extrapolated. <sup>d</sup> The Victorian Magistrates' Court civil data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. <sup>e</sup> The Queensland Children's Courts civil data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. <sup>f</sup> The clearance rate relates to unpaid infringement notices. Excludes unpaid court fines. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.1-2, 6A.5-6, and 6A.21-22.

## Appeal and non-appeal matters

Where relevant, the clearance rate data have been disaggregated between appeal and non-appeal matters. Table 6.16 provides clearance rates for non-appeal matters (both criminal and civil) in 2005-06. Table 6.17 contains the clearance rates for appeal matters (both criminal and civil) in 2005-06.

**Table 6.16 Clearance rate (finalisations/lodgments), non-appeal matters, 2005-06 (per cent)**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<b>Supreme/Federal</b>									
Criminal	123.5	86.3	90.5	103.6	105.2	104.0	90.2	109.7	..
Civil <sup>a, b</sup>	102.8	83.4	91.4	98.2	121.4	138.9	90.0	117.0	107.2
<i>Total</i>	<i>102.9</i>	<i>83.5</i>	<i>91.2</i>	<i>98.7</i>	<i>120.1</i>	<i>128.5</i>	<i>90.0</i>	<i>112.1</i>	<i>107.2</i>
<b>District/county</b>									
Criminal	98.3	87.5	105.1	110.5	88.5	..	..	..	..
Civil <sup>b</sup>	110.3	122.9	130.6	131.3	106.2	..	..	..	..
<i>Total</i>	<i>106.6</i>	<i>110.5</i>	<i>116.7</i>	<i>122.1</i>	<i>100.3</i>	..	..	..	..
<b>Family courts</b>	..	..	..	86.5	..	..	..	..	107.3

<sup>a</sup> Excludes probate matters. <sup>b</sup> Queensland data are extrapolated. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.21–22.

**Table 6.17 Clearance rate (finalisations/lodgments), appeal matters, 2005-06 (per cent)**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<b>Supreme/Federal</b>									
Criminal	99.6	102.4	97.9	88.2	125.0	45.7	75.3	116.7	..
Civil	112.5	112.8	94.3	97.4	157.7	59.6	113.6	84.8	100.8
<i>Total</i>	<i>107.9</i>	<i>106.9</i>	<i>96.4</i>	<i>93.4</i>	<i>134.1</i>	<i>56.4</i>	<i>91.4</i>	<i>89.7</i>	<i>100.8</i>
<b>District/county</b>									
Criminal <sup>a, b</sup>	94.1	82.3	109.0	..	..	..	..	..	..
Civil <sup>b</sup>	118.0	84.1	129.5	114.7	138.6	..	..	..	..
<i>Total</i>	<i>94.3</i>	<i>82.4</i>	<i>115.2</i>	<i>114.7</i>	<i>138.6</i>	..	..	..	..
<b>Family courts</b>	..	..	..	53.2	..	..	..	..	78.9

<sup>a</sup> Appeals are not heard in the district/county courts in WA or SA, instead they are referred to the supreme courts in these states. <sup>b</sup> Queensland District Court appeals data have been extrapolated. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.21–22.

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### *Efficiency — cost per finalisation*

Cost per finalisation is an efficiency indicator (box 6.14). Cost is taken as the total net recurrent annual expenditure, excluding payroll tax. Net expenditure refers to expenditure minus income (where income is derived from court fees and other revenue but excludes fines).

#### **Box 6.14 Cost per finalisation**

'Cost per finalisation' is an output indicator of efficiency. This indicator is not a measure of the actual cost per case.

It is derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period. The following points need to be considered in interpreting the cost per finalisation indicator results:

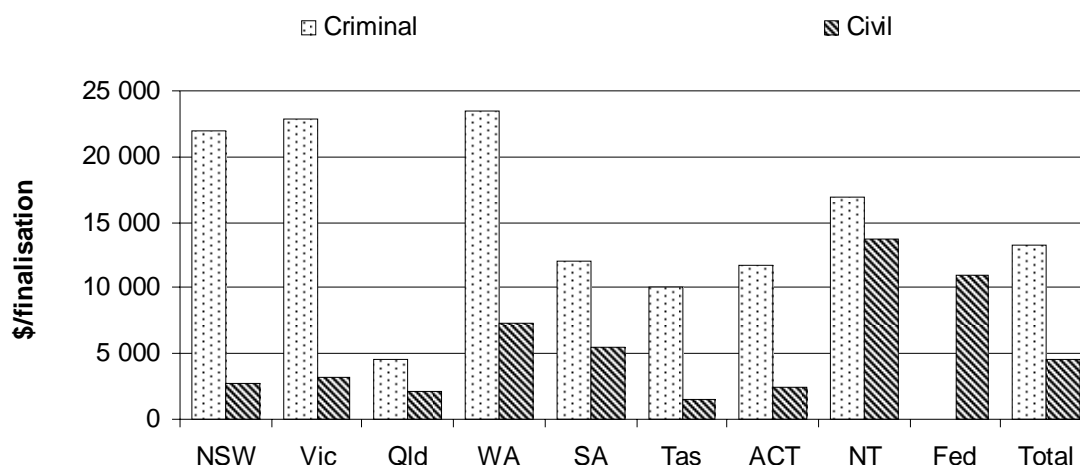
- some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
- cases in the civil jurisdiction that have not been acted upon in the last 12 months are counted (deemed) as finalised (however, some jurisdictions are unable to comply with this deeming rule)
- expenditure data may include arbitrary financial splits between criminal and civil jurisdictions
- net expenditure is calculated by deducting income (court fees) from total expenditure, noting that in some jurisdictions court fees are set by government rather than by court administrators
- a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors
- efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.

*Net expenditure per finalisation for the supreme courts and the Federal Court of Australia*

In 2005-06, the net expenditure per finalisation in the criminal jurisdiction of the supreme courts was around three times greater than the net expenditure per finalisation in the civil jurisdiction (the Federal Court has no criminal jurisdiction) (figure 6.4).

Tasmania, the ACT, and the NT have a broader range of matters that are heard in their supreme courts, as none of these jurisdictions have a district/county court. The difference in scope of supreme court work (box 6.3) should be considered when making comparisons between the different states and territories.

**Figure 6.4 Net expenditure per finalisation, supreme courts and the Federal Court of Australia, 2005-06<sup>a, b, c</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> Queensland civil non-appeal finalisation data have been extrapolated. <sup>c</sup> The Federal Court does not operate in the criminal jurisdiction.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23–24.

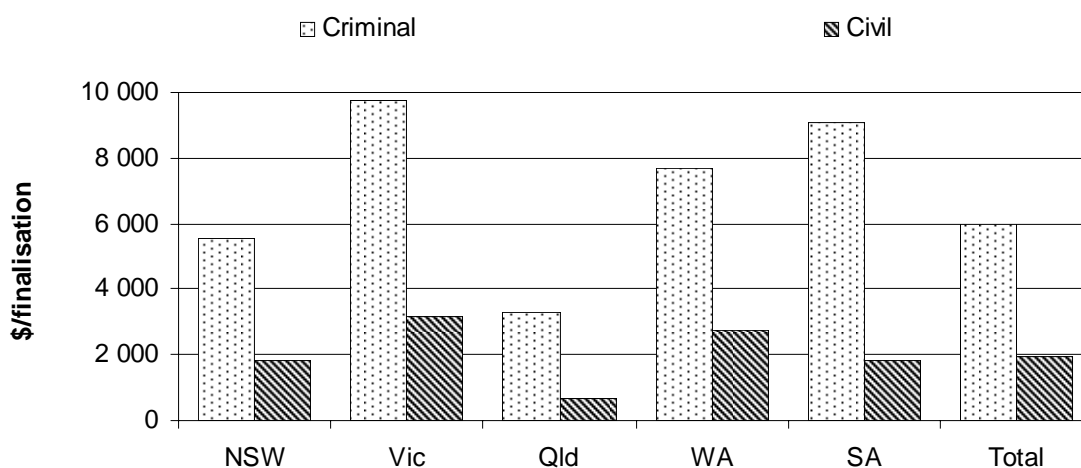
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*Net expenditure per finalisation for district/county courts*

In 2005-06, the net expenditure per finalisation in the criminal jurisdiction of the district/county courts was more than twice that in the civil jurisdiction (figure 6.5). This trend was similar across all states and territories, and is fairly consistent over time (tables 6A.23 and 6A.24).

Tasmania, the ACT, the NT and the Australian Government do not operate district/county courts.

Figure 6.5 **Net expenditure per finalisation, district/county courts, 2005-06**<sup>a, b, c</sup>



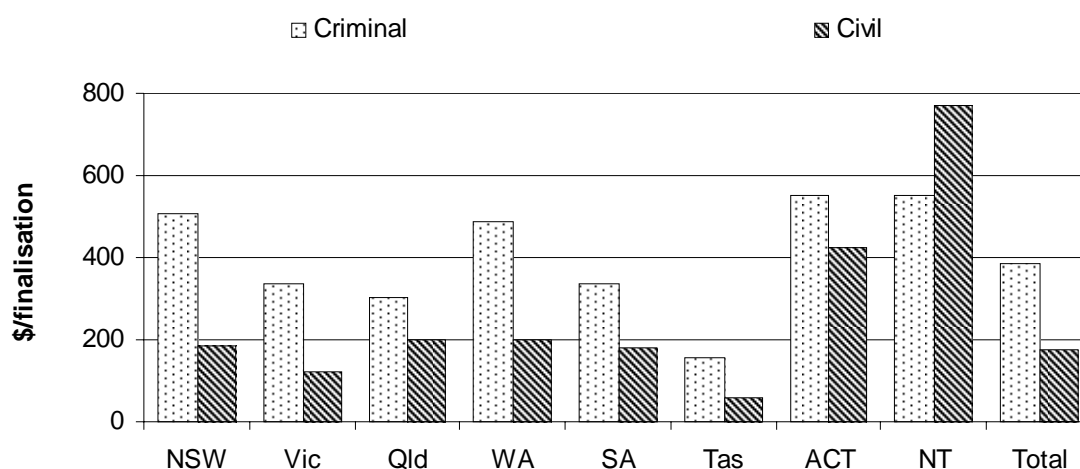
<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Queensland some Children's Court criminal matters are heard in the District Court, for reporting purposes they have been included as part of the Children's Court. <sup>c</sup> Queensland civil and criminal appeal finalisation data have been extrapolated.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23–24.

*Net expenditure per finalisation for total magistrates' courts (including children's courts)*

Nationally, net expenditure per criminal finalisation was greater than the net expenditure per civil finalisation for the magistrates' courts. This was the case across each of the states and territories with the exception of the NT (figure 6.6).

**Figure 6.6 Net expenditure per finalisation, total magistrates' courts (including magistrates' and children's courts), 2005-06<sup>a, b, c, d, e</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> The Victorian Magistrates' Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. <sup>c</sup> In Queensland some Children's Court criminal matters are heard in the District Court, for reporting purposes they have been included as part of the Children's Court. <sup>d</sup> The Queensland Children's Courts civil finalisation data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates' court.

Source: State and Territory court administration departments (unpublished); tables 6A.23–24.

The analysis of the magistrates' court efficiency in figure 6.6 excludes electronic infringement and enforcement system expenditure and finalisations. Box 6.15 shows the impact of including electronic infringement and enforcement systems within the efficiency results of the magistrates' courts.

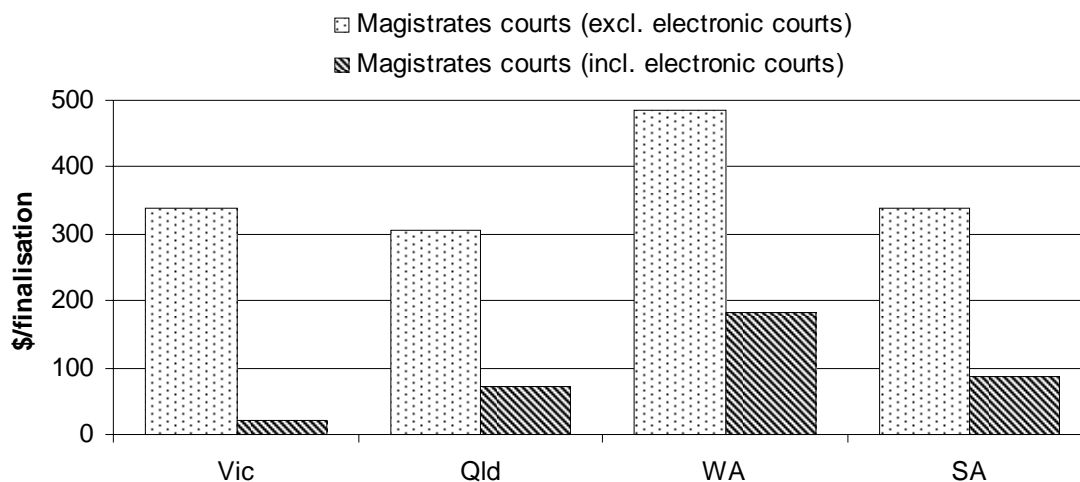
### Box 6.15 The impact of the electronic infringement and enforcement systems on the magistrates' courts

All State, Territory and Australian governments operate tribunals and specialist jurisdiction courts, partly to reduce the workload on courts such as the magistrates' courts.

Electronic infringement and enforcement systems — which are infringement and offence processing systems that have the status of a court and deal with matters such as unpaid infringement notices for minor traffic offences — can also reduce the workload on the magistrates' courts.

Electronic infringement and enforcement systems, as defined above, currently operate only in Victoria, Queensland, WA and SA. The figure in this box shows the impact that including electronic infringement and enforcement systems data for these jurisdictions would have on the magistrates' court efficiency results reported in figure 6.6.

The impact is to reduce net recurrent expenditure per criminal finalisation for the magistrates' courts in all four jurisdictions (assuming all of the matters dealt with by the electronic infringement and enforcement systems would otherwise have been dealt with by the magistrates' courts). The magnitude of the reductions under this assumption is shown in the figure below and table 6A.23.



While NSW, Tasmania, the ACT and the NT do not operate electronic infringement and enforcement systems that fall under the jurisdiction of the magistrates' courts, they have bodies (such as the NSW State Debt Recovery Office, the Motor Vehicle Registry in the ACT and the Fines Recovery Unit in the NT) that deal with unpaid infringement notices and that may have a similar impact in reducing the workload of the magistrates' courts. In Tasmania, because unpaid minor traffic infringements are dealt with by way of complaint and summons in the magistrates' court, this has the effect of reducing net expenditure per finalisation.

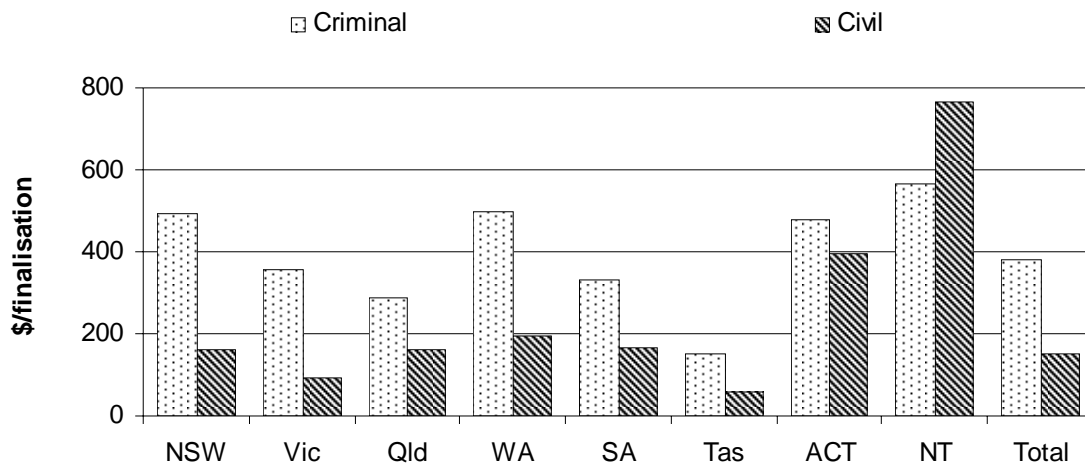
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*Net expenditure per finalisation for magistrates' courts only*

Net expenditure per criminal and civil finalisation for magistrates' courts only (excluding electronic and children's courts) is presented in figure 6.7.

Figure 6.7 **Net expenditure per finalisation, magistrates' courts only (excluding children's courts), 2005-06<sup>a, b, c, d</sup>**

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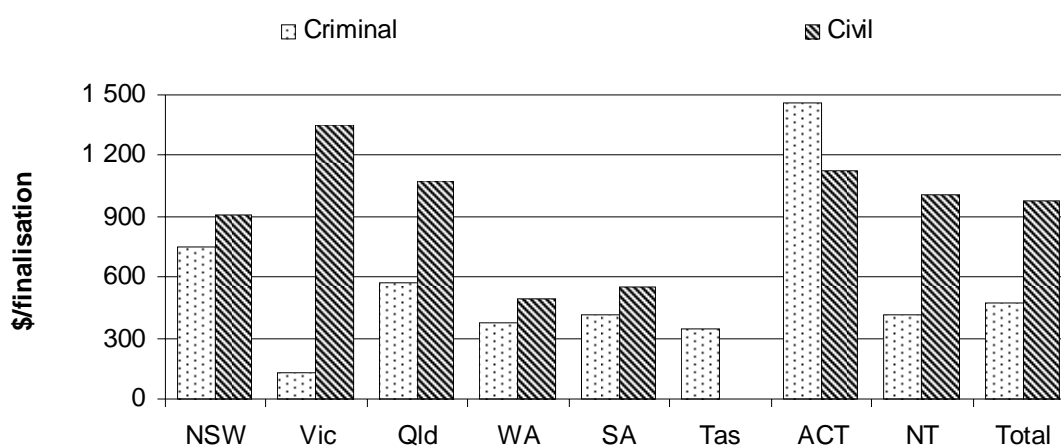
<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in the magistrates' court in regional areas. It is not possible to apportion the expenditure on these matters to the children's court, and this expenditure is included in the figures for the magistrates' court. However, the children's matters heard are separately recorded and identifiable for the children's court. <sup>c</sup> The Victorian Magistrates' Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. <sup>d</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates' court.

Source: State and Territory court administration departments (unpublished); tables 6A.23–24.

### Net expenditure per finalisation for children's courts

Net expenditure per finalisation in the children's courts varies across states and territories, particularly for civil matters (figure 6.8). The bulk of matters dealt with in the civil jurisdiction of the children's courts are generally care and protection orders, however some jurisdictions will also hear matters such as applications for intervention orders.

Figure 6.8 **Net expenditure per finalisation, children's courts, 2005-06**<sup>a, b, c, d, e, f</sup>



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in the magistrates' court in regional areas. It is not possible to apportion the expenditure on these matters to the children's court, and this expenditure is included in the figures for the magistrates' court. However, the children's matters heard are separately recorded and identifiable for the children's court. <sup>c</sup> In Queensland some Children's Court criminal matters are heard in the District Court, for reporting purposes they have been included as part of the Children's Court. <sup>d</sup> The Queensland Children's Courts civil finalisation data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> In Tasmania the expenditure children's court expenditure cannot be disaggregated by criminal and civil, and is therefore combined under criminal.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23–24.

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*Net expenditure per finalisation for family courts and the Federal Magistrates Court of Australia*

The establishment of the Federal Magistrates Court has implications for the number of finalisations and expenditure associated with the Family Court of Australia (figure 6.9). The intention is for the Federal Magistrates Court to deal with some of the workload previously managed by the Family Court of Australia (and the Federal Court). For example, prior to the establishment of the Federal Magistrates Court all divorces (with the exception of WA which has its own family court) were lodged in the Family Court of Australia. From November 2003, divorces are lodged solely in the Federal Magistrates Court, with the exception of WA where divorces are still lodged in the Family Court of WA.

**Figure 6.9 Net expenditure per finalisation, family courts and the Federal Magistrates Court of Australia, 2005-06<sup>a</sup>**



<sup>a</sup> The expenditure per finalisation for the Federal Magistrates Court is based on the total net expenditure and all finalisations for that court; it does not isolate family law work from general federal law work and is therefore not strictly comparable with the results for either the Family Court of Australia or the Family Court of WA.

Source: Australian court administration authorities and departments (unpublished); table 6A.24.

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*Net expenditure per finalisation for electronic infringement and enforcement systems*

All electronic infringement and enforcement systems in 2005-06 had income that outweighed any associated expenditure (figure 6.10 and table 6A.23).

Figure 6.10 **Net expenditure per finalisation, electronic infringement and enforcement systems, 2005-06<sup>a, b</sup>**



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**a** Expenditure excludes payroll tax. **b** Electronic infringement and enforcement systems (infringement and expiated offence processing systems that have the status of a court) operate only in Victoria, Queensland, WA and SA. Other states and territories may operate similar bodies that do not operate under the auspices of a court.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.23.

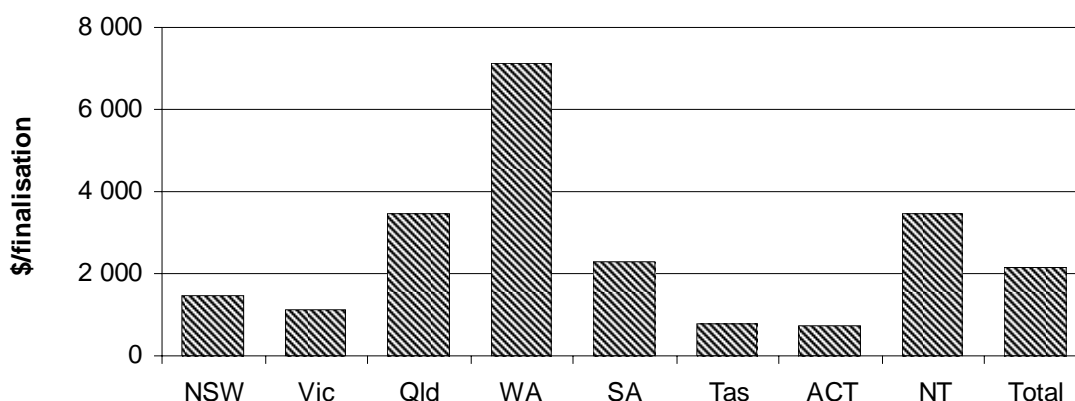
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### Net expenditure per reported death and fire for coroners' courts

Nationally, expenditure per reported death and fire in the coroners' courts was approximately \$2146 in 2005-06 (figure 6.11). Some states and territories include autopsy and chemical analysis costs in their expenditure data, but others exclude these costs because they refer to services administered and funded outside the court administration agency's umbrella department, and are covered in other chapters of the Report.

Data for NSW, Victoria and the ACT in 2005-06 include fires reported to the coroner; all other jurisdictions (except Tasmania) do not, as fires are not reported to the coroner in these jurisdictions, so care needs to be taken when making comparisons.

Figure 6.11 Net expenditure per finalisation, coroners' courts, 2005-06<sup>a, b, c</sup>



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> The inclusion of expenditure for autopsy and chemical analysis work varies between states and territories. <sup>c</sup> Data for NSW, Victoria and the ACT include reported fires.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.24.

## Outcomes

No outcome indicators for court administration are currently reported. It is noted, however, that the activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed in this service-specific chapter. The Steering Committee has identified outcome indicators as an important element of the performance indicator framework to develop for future reports.

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## 6.4 Future directions in performance reporting

### Improving data quality

Differences across states and territories in the jurisdiction of courts, and in the allocation of cases between courts, affect the comparability of equity, efficiency and effectiveness data. The different methods undertaken to collect the data can also have an impact on data consistency and quality.

The Review, through the Court Administration Working Group and the Courts Practitioner Group, is continuing to improve data quality, including:

- assessing and implementing recommendations associated with the ABS *Courts Administration Data Collection National Report* on lodgments and finalisations
- clearly defining issues pertaining to the scope of the data collection and reporting within the chapter
- assessing the most appropriate way in which to collect and publish data
- amending data definitions
- improving data verification and data quality.

## 6.5 Jurisdictions' comments

This section provides comments from each State and Territory on the services covered in this chapter.

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## **New South Wales Government comments**

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NSW is leading law reform and the delivery of justice services.

The District Court, Local Court and Children's Court were leaders in criminal timeliness. The Supreme Court and District Court both achieved combined clearance rates over 100 per cent and the Local Court also improved its combined clearance rate by 4 per cent. The net cost of finalising a matter is on par with the Australian average.

New initiatives will have a significant impact on those coming into contact with NSW courts. They include reforms to improve the protection of sexual assault complainants and additional safeguards for children and other vulnerable witnesses. A total of 73 remote witness rooms servicing 131 courts have now been built and audio-visual link facilities have been established at 122 courts and justice agencies. The Court Liaison Nursing Service has been expanded to improve the assessment and support of people with mental illness. New laws provide for the extended supervision and continuing detention of serious sex offenders and the establishment of a new and more efficient system to confiscate the proceeds of crime.

New civil procedures and simplified court processes have also significantly improved both service delivery and access for clients.

The NSW Government is overseeing the largest ever investment in court and justice agency infrastructure in the history of NSW. New courts are being built with state of the art facilities and security technology. The flagship project is the Justice Precinct at Parramatta which will feature 15 new trial courts, a purpose-built Children's Court and a Justice Agencies office building. A total of \$250 million is being spent over 10 years to upgrade existing courthouses.

NSW has commenced a number of innovative programs aimed at reducing crime and the re-offending rate, including a conferencing program for young adult offenders. The program enables some young adult offenders to participate in a conference with victims of crime prior to, or as part of, sentencing. NSW is also pioneering the development of the Rural Alcohol Diversion Program.

Other significant initiatives focused on the over-representation of Aboriginal people in the criminal justice system. The Tirkandi Inaburra Cultural and Development Centre, the State's first Aboriginal youth outstation, opened in central southern NSW. Circle Sentencing courts were expanded as an alternative sentencing process for adult Aboriginal defendants and new Aboriginal Community Justice Groups were established.

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## Victorian Government comments

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- A program which will have an impact on all court jurisdictions in Victoria is the Integrated Courts Management System (ICMS). This is a major program established to implement a single integrated technology platform and set of applications for all Victorian courts and tribunals. It is scheduled to be completed by July 2009.
- A high priority under the ICMS is the implementation of the Smart Court Program. The Smart Court Program involves upgrading and extending videoconference facilities and other technology in courts. For some courts this will mean being fully equipped with enhanced video conference display, monitors for each of the participants, centralised recording of evidence, the capability to present and share evidence and exhibits, the use of evidence and document management facilities and access to the core case management system.
- The Department and the Courts have been working cooperatively to understand and address delays in the committal and trial processes in the Magistrates' and Higher Courts. This has involved assessing the performance of the systems and processes, identification of the causes of delay and a preliminary estimate of the impact on delay of implementing various initiatives. This will involve the implementation over time of strategies that will reduce time spent by defendants and associated parties in court.
- In the Supreme Court, the clearance rate for non-appeal matters was reduced because of the re-allocation of trial judges to other matters, including appeal matters, in an effort to reduce the backlog in these areas.
- In the County Court, the Criminal Orders Module Pilot for the Courts Case and List Management System commenced in October 2005. The pilot, consisting of four judges, was very successful. A full 'roll out' to all Judges sitting in crime in the second half of 2006 commenced on 3 July 2006, with a further phase planned for February 2007 for judges entering the criminal roster at that time.
- A specialist Sex Offence Directions List (SOL) has been established at the County Court. The SOL commenced on 1 October 2005 and brings a consistency of approach to these cases, an earlier distribution of materials to parties and ensures a more efficient and compassionate process by which matters of this nature progress towards trial.
- The Magistrates Court has introduced a number of initiatives in recent periods, including the Specialist Family Violence Service to provide support services to the Family Violence Courts, the Courts Integrated Services Program (CISP) which is guided by the principals of therapeutic jurisprudence, and the Criminal Justice Diversion Program. Other initiatives operating within the Magistrates' Court are the Koori Courts located in Shepparton, Broadmeadows, Mildura, Warrnambool, Melbourne Children's Court and La Trobe Valley, and the Drug Court.

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## Queensland Government comments



During 2005-06, the Queensland Courts made advances in a number of areas to ensure that justice is rendered according to law in an expeditious and timely manner.

- Regional Services Managers have been appointed for six regions throughout Queensland to lead change processes and develop an improved service culture within the Magistrates Court Branch.
- To critically evaluate current court practices, the Continual Process Improvement Program has begun and aims to deliver consistent and clear processes in courts.
- The State-wide coverage of the Civil Listing and Information Management System improves access to courts for solicitors, local governments and other authorised agencies by allowing electronic lodgment of civil claims and judgments.
- The Courts Wi-Fi Service, providing free broadband Internet access from within court was extended and now includes 106 Supreme, District or Magistrates courtrooms in Beenleigh, Brisbane, Cairns, Ipswich, Mackay, Maroochydore, Rockhampton and Townsville.
- A sentencing database, the Queensland Sentencing Information Service, was established to assist those making sentencing related decisions. The service is now available to all judges and magistrates throughout the State, as well as legal staff from Legal Aid Queensland and the Office of the Director of Public Prosecutions.
- The Homeless Persons Court Diversion Pilot Program commenced in Brisbane during May 2006, diverting low level offenders from the courts. The program will identify homeless people with reduced decision making capacity and enable magistrates to refer them to health, accommodation, and counselling services.
- The Queensland Magistrates Early Referral into Treatment (QMERIT) Program targets offenders charged with drug related offences to undergo treatment for their drug problems whilst they are on bail.
- As a result of the successful outcomes of the South East Queensland and North Queensland pilots of the Drug Court, both programs became permanent.
- The Integrated Justice Information Strategy program continues to be progressed by a range of initiatives that will facilitate information sharing between criminal justice agencies. Police Bench Charge Sheets are now transferred electronically.
- New courthouses are being constructed at Ipswich and Pine Rivers and upgrades are occurring at Sarina, Sandgate, St George and Bowen.



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## Western Australian Government comments

“ Following acceptance by the state government of the recommendations of the Mahoney Inquiry into the management of offenders, the Department of Justice was split into the Department of the Attorney General, in which administration of the court system now resides, and the Department for Corrective Services which has been put in place to manage offenders in prisons and in the community.

Of particular significance in the courts this year was the attention given to various security issues, particularly in-court custody. The Department now has a dedicated security group that has already made important changes to ensure the highest level of safety and security in all court buildings and processes.

A priority to engage Aboriginal communities in decision-making processes continued to be developed through the Aboriginal Justice Agreement. The agreement enables justice-related State Government agencies to work in partnership with Aboriginal people to ensure they experience the same justice outcomes as other Western Australians.

Changes to WA's family law have aligned the State with Commonwealth legislation. A number of other legislative reforms made an impact this year, particularly in the areas of victim support, parole and sentencing, while Court Services made positive advances in providing modern court and technological facilities. An electronic process to deliver Magistrates Court outcomes to WA Police began in October 2005. Police now automatically receive all Magistrates Court decisions, except for care and protection orders for juveniles.

WA courts continued to provide efficient state-wide services. Of note in 2005-06 were:

- The effectiveness of the Supreme Court in reducing backlog for criminal cases following the severe disruptions of the previous year, caused by the escape of a number of prisoners from the Supreme Court precinct and the subsequent restrictions on court sittings due to extensive alterations to the building.
- Significant increases in the clearance rate for the Court of Appeal, despite the listing of old and lengthy appeals.
- Considerable success by the District Court in reducing backlog for both criminal and civil matters.
- The capacity of the Magistrates Court to finalise more cases than received and maintain similar levels of backlog for criminal cases, despite a 13 per cent increase in lodgements.
- The reduction by the Children's Court in the number of Care and Protection cases in backlog.
- The considerable success of the Fines Enforcement Registry with fines collection through a successful strategy that resulted in a record recovery of fines across the State.

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## South Australian Government comments

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The Courts Administration Authority has continued to build on its commitment to innovation and service delivery throughout 2005-06. During the year under review, a number of initiatives have been undertaken by the Authority, including:

- Development of the Courts Administration Authority Strategic Plan 2006-09.
- Completing major reviews of its workforce and administrative, business and information technology operations
- Relocated Courthouses at Port Pirie, Berri and Victor Harbour to new premises under a Public Private Partnership and continued development for new courts at Port Augusta and Port Lincoln.
- Worked with a consultative Community Reference Group to create a new community involvement plan, for integration into the corporate strategic plan.
- Implemented the new Coroner's Act 2003.
- Upgraded the jury management computer system and implemented short message service (SMS) notifications for jurors to advise of requirements.
- Created new and revised existing material for self-represented litigants in the Environment, Resources and Development Court.
- Implemented strategies to address issues relevant to listings and disposal of criminal trials in the Supreme and District Courts.
- Maintained consultation with the Courts Aboriginal Reference Group, to inform the council about matters concerning Aboriginal people who have contact with the Courts.
- Upgraded closed circuit television (CCTV) and video conferencing facilities in the Sir Samuel Way Building, enabling higher courts to deal with more matters where a child or vulnerable witness is required to give evidence. The number of courtrooms with these facilities increased from two to three.
- Continued the development of new Supreme Court civil rules.
- Expanded the Court Assessment Referral Drug Scheme (CARDS) within the Magistrates Court and Youth Court – this scheme aims to direct drug offenders into treatment as part of their bail or bond conditions and therefore reduce the chance of future drug related offending.
- Expansion of the Court Diversion Program to the Mount Gambier Magistrates Court – this program aims to assist a person with a mental impairment by providing access to early assessment and intervention; facilitation of treatment and support needs; and reduction of offending behaviour.
- Completion of the Rice Report on criminal trial delays in the higher courts. A Working Party has been formed to implement the recommendations of the Report.

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## Tasmanian Government comments

“ In 2005-06 Tasmanian Courts have continued to focus on managing all courts' pending case loads at an acceptable level.

Of particular concern has been the deterioration of the backlog indicator in the Criminal Jurisdiction of the Magistrates Court. This has been due in part to delays in listing the increasing numbers of minor traffic matters which arise from unpaid infringement notices listed before Bench Justices. In the future these matters will be almost entirely removed from the Magistrates Court when the Monetary Penalties Enforcement Act is commenced. In the interim the court administration is working with Bench Justices and police prosecutors on providing additional sessions for these matters.

The Magistrates Court is also concerned about improving the backlog indicator result for more substantive criminal matters. Although availability of court resources may at times be a contributor, there are other factors outside the court's direct control which have a significant impact on this indicator. Over the past two years the court has experienced a 3-4 per cent per annum increase in these lodgments particularly for more serious traffic offences, assaults and breaches of family violence orders. There has been a doubling in the number of child protection proceedings (which while small in number require a significant amount of time per appearance) in the same period. Once before the court the actions of defendants and other parties often contribute to delays. High proportions of defendants fail to appear or are not in a position to enter a plea leading to unplanned adjournments. This is reflected in a deterioration of the attendance indicator for these matters.

In consultation with other parties the courts are developing strategies aimed at reducing the number of unplanned adjournments leading to a reduction in delay and more effective use of court and other justice system resources. An example is a committee lead by the Chief Justice which includes the Chief Magistrate and high level representation from the Office of the DPP, Police, and Legal Aid which has made recommendations for the improvement of the quality and timeliness of pre-trial disclosure, and removal of unnecessary delays in committal proceedings.

The Supreme and Magistrates Courts are continuing their joint project to implement new civil case management systems. The new system will be implemented in early 2007. Initially it will enable the courts, and in particular the Supreme Court, to gain a more detailed understanding of the contributors to delays in the Civil Jurisdiction. The Court will then be in a position to introduce more effective case management strategies aimed at reducing unnecessary delay and the cost to parties of litigation.”

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## Australian Capital Territory Government comments

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The ACT Courts have made many initiatives over the last year – all aimed at improving the case management and operation of the Courts. Specifically, the Registry has re-aligned its management structure to enhance the professionalism of court administration within the Courts, and the Judiciary continue to focus on the rewrite of Rules for both Criminal and Civil.

Over the last six years, the ACT Courts have demonstrated a strong performance in Magistrates clearance rates, and over the last five years, have bettered a 100 per cent clearance rate for civil cases each year. While there is still a way to go to reach the National standards for backlogs, the Magistrates Court in particular is clearly reducing the number of cases in its backlog.

In reflecting the backlog indicator across other jurisdictions, ACT Courts is placed on a similar level with other jurisdictions.

Civil lodgements have remained relatively stable over the last year, while the criminal lodgements increased in the Magistrates Court by approximately 20 per cent and over 10 per cent in the Supreme Court, and in the case of the Magistrates Court, this increase in demand was matched by an increase in output, and the overall backlog was reduced.

Specific areas of focus for next year will be in the Children's Court and Coroners Court where there has been a slight increase in the backlog of cases, primarily due to last year's increase in lodgements in both areas.

Cost per finalisation has again shown a decline for criminal cases across all courts – Children's, Magistrates and Supreme Courts – with the Supreme Court less than most jurisdictions, reflecting a favourable outcome for the Justice portfolio and Government generally.

Other noteworthy developments in the reporting year include:

- Court Procedure Rules were introduced in the Supreme Court in July 2006 and the Magistrates Court on 1 January 2007. The new Rules will have a positive impact on case management in both the civil and criminal jurisdictions and simplified procedures will lead to more effective outcomes across ACT Courts.
- The Crimes (Sentencing) Act 2005 came into force in June 2006. The new Act provides for a range of sentencing options and consolidates legislation relating to the imposition of sentences.
- ACT Courts have, after analysis, decided to consolidate its case management system. An upgrade of the case management system will be progressively undertaken over the next 2 years.

All of these developments have the potential to improve the ACT results in this Report over the medium term.

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## Northern Territory Government comments

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The Community Court pilot which was introduced in 2004-05 was developed into an extended program. The Community Court's aims are to provide more effective, meaningful and culturally relevant sentencing options, increase community safety, decrease rates of offending, reduce repeat offending and breach of court orders.

The Volatile Substance Abuse Prevention Program was introduced to provide a comprehensive and systematic approach to the prevention and treatment of volatile substance abuse and to establish an intervention framework for use where volatile substance abuse is occurring. Potential clients are assessed by court clinicians who are qualified assessors under the relevant legislation.

A Memorandum of Understanding (MOU) was produced between Court Support Services and the Northern Territory Aboriginal Interpreter Service. The MOU establishes the roles and responsibilities of both agencies with a view to providing an all-encompassing aboriginal interpreting service for Northern Territory courts.

An introductory mediation training program for Indigenous people in Alice Springs was implemented and included participants from remote central communities while the Community Justice Centre Consultative Council was also formed. The Consultative Council's role is to provide the key role of constructing guidelines, establishing principals and regulating the provision of mediation services.

Court Support Services participated in the Cross Border Project which involved Western Australia and South Australia. Once implemented, the project will allow for the delivery of justice across the three borders with magistrates having the power to deal with matters in all three jurisdictions.

Court Support Services worked with the Department of Justice to develop and implement an Indigenous Employment and Career Development Strategy.

Court Support Services joined an interdepartmental working group to address Hearing Rehabilitation and Communication Support for Indigenous Adults. The objective of the working group is to develop a policy framework for hearing rehabilitation and communication support to aboriginal adults employed in the Territory Government public sector and aboriginal adults who are receiving Territory Government services.

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## 6.6 Definitions of key terms and indicators

<b>Active pending population</b>	A lodgment that is yet to be finalised but is part of the case management of court administrators.
<b>Average expenditure per civil case</b>	The total cost of the administrative services provided to civil matters, divided by the total number of civil files handled. Includes salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses.
<b>Attendance indicator</b>	The average number of attendances for each finalisation in the reporting period. An attendance is defined as the number of times that parties or their representatives are required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one that is heard by a judicial officer or mediator/arbitrator.
<b>Backlog indicator</b>	A measure of case processing timeliness. It is the number of pending cases older than the applicable reporting standards, divided by the total pending caseload (multiplied by 100 to convert to a percentage).
<b>Bench warrant</b>	A warrant issued by a court for the arrest of a person who has been indicted.
<b>Case</b>	The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group).
<b>Clearance rate</b>	An indicator that shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period.
<b>Cost recovery</b>	The level of court fees divided by the level of court expenditure.
<b>Court fees collected</b>	Total court income from fees charged in the civil jurisdiction. Includes filing, sitting hearing and deposition fees, and excludes transcript fees.
<b>Electronic infringement and enforcement system</b>	A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences.
<b>Excluded courts and tribunals</b>	This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories.
<b>Finalisation</b>	The completion of a matter so it ceases to be an item of work to be dealt with by the court. Finalisations are derived from timeliness data that may not reflect the total matters disposed by the courts in the reporting period.
<b>Forms</b>	The counting unit used in the family courts and family law matters pertaining to the Federal Magistrates Court. Forms are applications or notices lodged with the court.
<b>Income</b>	Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).

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<b>Information technology expenditure</b>	Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and includes licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware.
<b>Inquests and inquiries held</b>	Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings.
<b>Judicial officer</b>	Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity.
<b>Judicial and judicial support salaries</b>	All salary expenditure and payments in the nature of salary that are paid to employees of court administration. Includes base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.  (Judicial officers include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates.)
<b>Library expenditure</b>	Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying.  Expenditure also includes current information technology costs and court administration contributions towards the running costs of non-government operated libraries. Any costs recovered through borrowing and photocopy fees by court operated libraries are subtracted from expenditure.
<b>Lodgment</b>	The initiation or commencement of a matter before the court. The date of commencement is counted as the date of registration of a court matter.
<b>Matters</b>	<i>Coronial matters:</i> Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.  <i>Criminal matters:</i> Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils or traffic camera branches.  <i>Civil matters:</i> Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.

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	<p><i>Excluded matters:</i> Extraordinary driver's licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents' licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.</p> <p><i>Probate:</i> Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person.</p>
<b>Method of finalisation</b>	The process that leads to the completion of a criminal charge within a higher court so it ceases to be an item of work in that court.
<b>Method of initiation</b>	How a criminal charge is introduced to a court level.
<b>Non-adjudicated finalisation</b>	A judgment or decision by the court as to whether the defendant is guilty of the charge laid against him or her — for example, whether the defendant pleaded guilty or was found guilty by the court, or was acquitted.
<b>Probate registry expenditure</b>	Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries.
<b>Real expenditure</b>	Actual expenditure adjusted for changes in prices using the GDP(E) price deflator and expressed in terms of final year prices.
<b>Sheriff and bailiff expenditure</b>	Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it includes expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it includes expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security.
<b>Specialist jurisdiction court</b>	A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the children's courts and the coroners' courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts.
<b>Withdrawn</b>	The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General).

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## 6.7 Supporting tables

Supporting tables are identified in references throughout this chapter by an 'A' suffix (for example, table 6A.3 is table 3 in the attachment). The files containing the supporting tables can be found on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). Users without Internet access can contact the Secretariat to obtain these tables on CD-ROM (details on the inside front cover of the Report).

<b>Preamble</b>	Court administration — Attachments
<b>Table 6A.1</b>	Lodgments, criminal
<b>Table 6A.2</b>	Lodgments, civil
<b>Table 6A.3</b>	Lodgments, per 100 000 population, criminal
<b>Table 6A.4</b>	Lodgments, per 100 000 population, civil
<b>Table 6A.5</b>	Finalisations, criminal
<b>Table 6A.6</b>	Finalisations, civil
<b>Table 6A.7</b>	Finalisations, per 100 000 population, criminal
<b>Table 6A.8</b>	Finalisations, per 100 000 population, civil
<b>Table 6A.9</b>	Real recurrent expenditure, criminal, 2005-06 dollars (\$'000)
<b>Table 6A.10</b>	Real recurrent expenditure, civil, 2005-06 dollars (\$'000)
<b>Table 6A.11</b>	Real income (excluding fines), criminal and civil, 2005-06 dollars (\$'000)
<b>Table 6A.12</b>	Real net recurrent expenditure, criminal, 2005-06 dollars (\$'000)
<b>Table 6A.13</b>	Real net recurrent expenditure, civil, 2005-06 dollars (\$'000)
<b>Table 6A.14</b>	Real net recurrent expenditure, criminal and civil, 2005-06 dollars (\$'000)
<b>Table 6A.15</b>	Cost recovery – civil court fees collected as a proportion of civil expenditure (per cent), 2005-06
<b>Table 6A.16</b>	Average civil court fees collected per lodgement, 2005-06 dollars (\$)
<b>Table 6A.17</b>	Backlog indicator, criminal, 2005-06
<b>Table 6A.18</b>	Backlog indicator, civil, 2005-06
<b>Table 6A.19</b>	Attendance indicator (average number of attendances per finalisation), 2005-06
<b>Table 6A.20</b>	Judicial officers, 2005-06
<b>Table 6A.21</b>	Clearance rate (finalisations/lodgments), criminal, 2005-06
<b>Table 6A.22</b>	Clearance rate (finalisations/lodgments), civil, 2005-06
<b>Table 6A.23</b>	Real net recurrent expenditure per finalisation, criminal, 2005-06 dollars (\$)
<b>Table 6A.24</b>	Real net recurrent expenditure per finalisation, civil, 2005-06 dollars (\$)
<b>Table 6A.25</b>	Real net recurrent expenditure per finalisation, criminal and civil, 2005-06 dollars (\$)
<b>Table 6A.26</b>	Treatment of assets by court administration agencies

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## 6.8 References

ABS (Australian Bureau of Statistics) 2006, *Criminal Courts 2004-05, Australia*, Cat. no. 4513.0, Canberra (and various years).

SCRCSSP (Steering Committee for the Review of Commonwealth/State Service Provision) 2006, *2006 Data Collection Manual*, Court Administration Working Group, (unpublished) Melbourne.